WELCOME THE REVEREND RICKY ATKINS

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

Ms. FOXX. Mr. Speaker, it is my honor and privilege to introduce our guest chaplain, Reverend Richard "Ricky" Atkins, the head pastor of Courtney Baptist Church in Yadkinville, North Carolina, in the Fifth District.

Reverend Atkins is a vital part of the religious community in northwest North Carolina's rural mountain region. Prior to leading 350 members at Courtney Baptist Church, he served at Zephyr Baptist Church in Dobson, North Carolina, from 1995 to 2000, and at Oak Grove Baptist Church in Madison, North Carolina, from 2000 to 2005. He graduated from Fruitland Bible Institute in 2000 with an associate's degree in biblical ministries.

Reverend Atkins was born and raised in Mt. Airy, North Carolina. He is the son of Tommy and Rebecca Atkins, whose support was instrumental in helping him get to Washington today. Reverend Atkins and his wife, Debbie, currently reside in Yadkinville with their two children Alison and Lee.

Reverend Atkins' life has been one of service to God and his community. Throughout the years he has brightened and enriched the lives of many others. It is an honor to have him serve as our guest chaplain. I hope that his words of prayer will remain with all of us as we do the people's work today.

ON THE CHILDREN'S SAFETY AND VIOLENT CRIME REDUCTION ACT, H.R. 4472

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

Mr. KELLER. Madam Speaker, I rise today in strong support of the Children's Safety and Violent Crime Reduction Act, because it is a commonsense way to protect our schoolchildren from pedophiles. Isn't it a matter of common sense to allow a local school district in Orlando, Florida, to do criminal background checks on coaches, janitors and teachers who work with our children to make sure they are not convicted pedophiles from Georgia or some other State?

Isn't it common sense to protect young schoolchildren in the first place by keeping these pedophiles locked up with lengthy prison sentences?

Isn't it common sense that coddling repeated sex offenders with self-esteem courses and rehabilitation doesn’t work, and that locking them up works?

It is high time that we crack down on molesters by implementing these commonsense reforms. I urge my colleagues to vote "yes" on H.R. 4472 today.

PORT SECURITY AND REPUBLICAN FAILURES TO SECURE OUR NATION

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

Mr. CARDOZA. Madam Speaker, when the Bush administration learned that the American people wanted to allow the United Arab Emirates to operate U.S. ports, they were outraged. That outrage should be extended to this administration's pathetic record on securing our ports and our coastlines.

Since September 11th, according to the U.S. Coast Guard, the Republican Congress has shortchanged America's seaports by more than $4 billion in security improvements. It is because of this serious lack of funding that only 6 percent of the cargo coming into our ports is ever checked. Port security is so bad that in December, the 9/11 Commission gave this administration a
grade of D for checked baggage and cargo screening.

House Democrats have tried to increase port security funding on this House floor four times over the last 4 years, and House Republicans have defeated our efforts every single time.

This year, which is the third time this year President Bush is proposing eliminating port security grants by rolling them into the larger program. This forces port officials to compete for funding against rail and mass transit programs. It’s time that Republicans wake up and see the serious threat that is existing at our port facilities in America.

YALE: U.S. MILITARY NEED NOT APPLY

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

Mr. POE. Madam Speaker, the Forum for Academic and Institutional Rights, a group of mostly elitist east coast universities and law schools, moaned and groaned all the way to the Supreme Court, claiming they should not be forced to allow United States military recruiters on their campuses in order to keep their Federal funding. Monday the Supreme Court unanimously ruled against their ridiculous rant.

In a time when our Americans in uniform are fighting a global war on terror, these arrogant elitist intellectuals are making a mockery of national defense by not allowing recruiters in their historic halls. These schools willingly take billions in Federal dollars, but reject the military that protects them.

At Yale University, officials are actually willing to accept a foreign student that served as spokesman and former diplomat for the Taliban. It is shameful, and sad when Americans willing to risk their lives for their country are kept off their campus, but an alleged former terrorist operative is welcomed with open arms. At least the Supreme Court got it right this time.

Unfortunately, Yale University did not.

That’s just the way it is.

URGING CONGRESSIONAL OVERSIGHT OF IRAQ

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

Mr. EMANUEL. Madam Speaker, since last month’s bombing of the holiest Shiite shrine, the sectarian violence we all feared has begun to engulf Iraq. But while Iraq is on the brink of civil war, all the administration gives us are mixed messages and finger-pointing.

The U.S. Ambassador to Iraq says the country is nearing civil war and that we have learned Saddam Hussein. Yet General Peter Pace, Chairman of the Joint Chiefs of Staff, has a totally different view. Over the weekend he said, “I wouldn’t put a great big smiley face on it, but I would say that things are going very well, very well from everything you look at.”

Meanwhile, Secretary Rumsfeld puts the blame squarely on the press: “Forch, I’ve just been really shocked, much of the reporting in the U.S. and abroad has exaggerated the situation.”

Which is it? A Pandora’s box? The brink of war? Or an exaggerated news story only to sell papers and boost ratings?

This is outrageous and disgusting. It is time for this hear-no-evil, see-no-evil Congress to open its eyes and ears. Americans want more than mixed metaphors and finger-pointing. They want a policy. They deserve real answers, and it is our job to find them.

We need new priorities for America rather than the same old policies that have gotten us here.

THE ECONOMY AND FISCAL RESTRAINT

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

Mrs. BLACKBURN. Madam Speaker, we are going to keep coming down here telling the story of America’s economic progress, and it is a great story. This majority is working for America, and one of those ways is we have tremendously low unemployment. This economy has created millions of new jobs, and we are expecting growth this first quarter of somewhere higher than 4 percent. Those numbers are coming out Friday. We are looking forward to it. It is remarkable. It is almost as remarkable how little attention the mainstream media has given to this data, to this great economic news.

Mrs. BLACKBURN. Madam Speaker, I look forward to supporting legislation to make permanent the Bush tax relief package that has helped drive this growth. And I hope our colleagues across the aisle will start to get the message: higher taxes do not lead to more jobs.

ENERGY EFFICIENT HOMES

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

Ms. BEAN. Madam Speaker, today I rise to speak about the Energy Star Homes Act. Across my district my constituents have told me about the challenges they face in paying for the rising cost of heating their homes. In response to those concerns, I have introduced this legislation to provide an incentive to help Americans deal with this increasing burden.

Under the Environmental Protection Agency’s Energy Star Program, homes that meet the guidelines of this program should have access to a tax credit to make the process of building an energy-efficient home more affordable.

My legislation will help to encourage Americans to save money and to save energy. By lowering demand for fossil fuels, we can also decrease pollution and protect our dependent sources of energy. I encourage my colleagues in the House to cosponsor this important legislation.

SEX TRAFFICKING AND THE OSCARS

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

Mr. PITTS. Madam Speaker, the front page of Monday’s Washington Post carried a heart-wrenching story about sex trafficking in the Washington, D.C., area. The story detailed unspeakable tragedies, including the story of a 14-year-old girl forced into sexual servitude in order to meet her pimp’s demand of earning him $500 a night at $50 per sex act.

Oddly enough, that wasn’t the only front-page story Monday that mentioned pimps. Right above that story, the Post also reported that the song “It’s Hard Out Here for a Pimp” was honored with an Oscar this year for being the best original song in a movie.

Should we really be shocked to read of the sexual horrors taking place on our streets when our most popular cultural awards show is handing out awards for songs that glorify prostitution and sexual violence?

This is outrageous and disgusting. Music that glorifies the men responsible for such atrocities, like exploitation of women and children, should be condemned, not celebrated with an Oscar.

PORT SECURITY: REPUBLICANS ARE NOT INTERESTED IN SECURING PORTS

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

Mrs. JONES of Ohio. Madam Speaker, I rise simply to complain again as others have about port security in the United States of America. We cannot allow our ports to fall into the hands of terrorists, and that is exactly what the Bush administration wants to do with the United Arab Emirates.

On Monday, March 20, from 7 p.m. to 9 p.m. in Cleveland, Ohio, at IdeaStream, 1375 Euclid Avenue, I will be hosting a town hall meeting on port security in my congressional district. Everyone is invited, and we have free parking.

The UAE deal has highlighted to the Washington, D.C., area. The story detailed unspeakable tragedies, including the story of a 14-year-old girl forced into sexual servitude in order to meet her pimp’s demand of earning him $500 a night at $50 per sex act.

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transported throughout our Nation. This is a serious gap in our homeland security, and it could have been prevented. For 4 years my Democratic colleagues and I have tried to increase funding for port security to shore up this serious security gap. And every single time, that Republican majority has opposed our efforts.

What are they waiting for?

Are House Republicans waiting for biological or chemical agents to come through our ports to be used against Americans before they decide to act?

We simply cannot afford to wait any longer. It’s time for House Republicans to join Democrats in supporting the funding necessary to secure our ports.

**IMMIGRATION REFORM ACTION NEEDED NOW**

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

Mr. PRICE of Georgia. Madam Speaker, when I look at the current state of our border security, I join my constituents in their concern. Violence at the U.S.-Mexico border is at an all-time high, going on 24 hours a day, 7 days a week, 365 days a year.

We have read in the news about a shoot-out on the border between U.S. law enforcement and a gang of drug smugglers, some of whom were dressed in Mexican military uniforms. Amazingly, several weeks ago we discovered a tunnel 2,400 feet long going under the border. Inside that tunnel were found 2 tons of illegal drugs. These are just a few examples of a flawed and broken immigration policy.

The House has taken an important first step with its passage of H.R. 4437, but this is just the first step. In the weeks and months to come, I call on my colleagues, Republicans and Democrats, Members of the House and Senate, to listen to their constituents, listen to the American people, listen to the law enforcement agents and the Border Patrol agents. We are all on the front lines of this issue, and we all share the responsibility. Every day of inaction is a day we can’t afford.

**IN SUPPORT OF REFORM OF THE CONGRESSIONAL BUDGET PROC-ESS**

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

Mr. BISHOP of Georgia. Madam Speaker, I rise today with grave concern for our children and the deficit that Congress and this administration are passing on to them. How much is it? It depends on whether you rely on the President’s budget or his financial report. The budget showed the deficit at $220 billion in 2006, while the more realistic financial report showed it at $760 billion, more than twice as large.

To make a long story short, the financial report of America uses a clear-
er, more understandable picture of Federal finances. Beyond that, the Blue Dog Coalition calls for a reform of the congressional budget process so that accrual budgeting is fairly considered in formulating Federal budgets.

Finally, I urge consideration of the Blue Dog call for honest budgeting, which builds on the Blue Dogs’ fiscally sound 12-point plan, including caps on discretionary spending, PAYGO rules, that any spending increases be paid for with a revenue cut, a balanced budget amendment to the Constitution and other budget reforms.

These are dire economic times, Madam Speaker. We need to get our fiscal house in order. I urge my colleagues on the Budget Committee to consider the financial report, and I urge all of my colleagues to adopt the Blue Dog call for honest budgeting.

**TIME TO GET THE BUDGET STRAIGHT**

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

Mr. SCOTT of Virginia. Madam Speaker, in a couple of days we will be taking up the budget, and as people talk about fiscal responsibility, this chart is the chart they are talking about.

This chart shows the deficit over the years, how President Clinton took a $290 billion deficit and converted it into a $238 billion surplus, and as soon as this President came in, there has been a complete collapse.

As you talk about the budget, remember this chart. When President Clinton left office, we had a projected surplus of over $5.5 trillion. Now we face the same 10 years a projected deficit of $3.3 trillion. The war, $300 billion, that is .3. Katrina, $200 billion, that is .2. An almost $9 trillion deterioration in the deficit.

And we didn’t create any jobs. When they talk about economic improvement, this is the number of jobs created since Herbert Hoover, by administration. This administration, the worst since Herbert Hoover.

We need to get our economy straight. We need to get our budget straight, and we can do it if we take the same kind of initiatives we took in the 1990s.

**GOOD ECONOMIC NEWS**

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

Mr. STEARNS. Madam Speaker, I rise today to shine some light on the good economic news that continues to roll in. This is further proof that Republican pro-growth policies of low taxes are working for the American people.

The economy grew at an annual rate of 1.6 percent in the final quarter of last year. January’s unemployment rate fell to 4.7 percent, which is the lowest monthly rate since 2001, and lower than the average rate in the seventies, the eighties and the nineties. There have been 29 consecutive months of job gains. The economy has created over 2 million jobs over the past 12 months. Economists are now predicting that growth will clock in at an amazing 4.5 percent in the current January to March quarter.

In order for this good news to last, Congress must fight its urge to spend too much and continue to foster a positive environment for the economy for it to thrive.

**A FUNDAMENTALLY INCOMPATIBLE STRATEGY ON EDUCATION**

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

Mr. BISHOP of New York. Madam Speaker, if we want to maintain our edge in the global economy, we should fully fund the President’s competitiveness agenda proposed in his 2007 budget. Regrettably, however, the promise of a more competitive American workforce is simultaneously undermined by his other budget proposals to freeze Pell grants for the fifth year in a row and recall the Federal portion of the Perkins loan revolving fund.

This hypocrisy built on the Republican record on student aid: $12 billion in cuts to loan programs; failure to extend the tuition deduction; and a 3-
year-long impasse over renewing the Higher Education Act.

Madam Speaker, calling for deep cuts in access to higher education while advocating a competitive workforce is a fundamentally incompatible strategy. Where Congress dropped the ball, colleges and universities have led in providing tuition assistance to disadvantaged students through matching grants and need-based discounts. We should be encouraging more universities to follow suit, instead of discouraging colleges and universities and turning students through misguided cutbacks.

Madam Speaker, I urge my colleagues to keep this in mind as we take up the budget resolution in the weeks ahead.

WINNING THE WAR AGAINST METHAMPHETAMINE ABUSE

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

Mr. GINGREY. Madam Speaker, last night, Congress voted to give our law enforcement officials a strong tool to fight the epidemic of methamphetamine abuse. It was proud to support this legislation because I have seen the havoc meth can wreak on our children, our families, and our communities.

The 11th District of Georgia, which I represent, has felt the full consequences of this growing epidemic. In fact, one of the largest methamphetamine busts recently took place in metropolitan Atlanta. We cannot ignore what has happened in the basements and tool sheds of suburban America, because methamphetamine abuse is threatening the health and safety of all of our citizens.

As a physician, I know the harm it causes the human body, and as a parent and a grandparent, I know the devastation it can bring to our children and to our families.

Congress has taken a bold step forward toward fighting and winning the war on methamphetamine abuse. When President Bush signs this legislation into law, we will have truly made a difference in the safety of our communities.

Madam Speaker, I urge my colleagues to keep this in mind as we take up the budget resolution in the weeks ahead.

BUSH BUDGET AND HEALTH CARE: NO SOLUTIONS, ONLY PROBLEMS

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

Mrs. CHRISTENSEN. Madam Speaker, the President’s budget is bad policy and bad medicine for Americans. It fails to reduce the costs of health care and drug abuse and, in fact, increases the cost. It fails to reduce the number of uninsured Americans. It is simply unacceptable that the President continues to ignore these pressing needs, but it is inexusable that the President plans to make our health care problems even worse.

The President would inflict more pain on American seniors by slashing Medicare funding. His budget cuts $36 billion from Medicare payments to hospitals and home health providers over the next 5 years, which would severely limit seniors’ access to much-needed health care and would force some seniors to pay more in premiums for that health care.

The Bush budget also cuts vital funding for medical research, research needed to discover health care cures for the future. Although the National Institutes of Health is responsible for much of our country’s medical advancements, the President proposes real cuts in that budget for the second year in a row. This is not a blueprint for fixing America’s health care system. Instead, it can destroy it. Congress should reject this blueprint.

INTRODUCING CONTRACT WITH AMERICA RENEWED

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

Mr. PENCE. Madam Speaker, with record deficits and a national debt at nearly $8 trillion, it is time to level with the American people: we are not living within our means here in Washington, D.C.

Today, House conservatives will unveil our budget proposal for 2007. We are calling it Contract With America Renewed. Contract With America Renewed is a bold budget based on the budget passed by the House of Representatives in 1995 and was part of the Contract With America.

Now, while not every Member of the Republican Study Committee endorses every proposal in this budget, House conservatives believe that this Republican Congress should return to our 1994 roots of fiscal discipline and reform.

By enacting the Contract With America Renewed, we will balance the Federal budget, cut wasteful government spending, and protect Social Security and the President’s tax cuts and provide for the national defense. We will do all of this while we actually reform entitlements to meet those obligations for future generations.

The American people know that unbridled government spending threatens our future and our freedom. They long for leaders who tell it like it is and are honest about the choices we face. The men and women of the Republican Study Committee who will unveil the Contract With America Renewed today are such leaders and these are such choices.

COMMEMORATING INTERNATIONAL WOMEN’S DAY

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

Ms. SOLIS. Madam Speaker, today I rise to commemorate International Women’s Day. As cochair of the Congressional Caucus for Women’s Issues, I am proud to be a part of a daylong shadow program working side by side with Iraqi women and members of the Transnational Assembly. In fact, my guest is here in the Chamber, Dr. Faiza Babakhan, who represents the National Assembly.

In just 11 days, we will mark the third anniversary of the United States’ invasion of Iraq. While U.S. involvement in Iraq in the past 3 years has caused much controversy in our country, we can all agree that increasing Iraqi women’s rights and political representation is crucial.

Through the continued collaboration of American and Iraqi women in government, we can advance women’s rights and women’s issues around the world. But today we must also acknowledge the violence and human rights abuses that affect these troops in places like Ciudad Juarez, Mexico, and in Guatemala where murders of women have gone unpunished for many years.

PORT SECURITY: ANOTHER EXAMPLE OF A WASHINGTON REPUBLICAN COVERUP

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

Mr. CLEAVER. Madam Speaker, the Bush ports deal was a bad deal for national security when it involved six American seaports. Now it turns out the company would operate 22 U.S. ports for far more than the President said were included in the deal.

My friends, America is not secure. The majority of the voters in my home district in Missouri are appalled. They don’t understand why U.S. companies cannot operate all the ports.

Just yesterday, Homeland Security Secretary Chertoff said that handing over American ports to a Dubai company would give the U.S. a better handle on security at U.S. terminal operations. I don’t know the Secretary personally, so I don’t know whether or not he was serious. I do know this: American security should not be outsourced.

The only way to increase port security at our docks is to actually screen every single container that comes into the U.S. Democrats support fully funding port security to make sure that terrorists are not allowed to smuggle dangerous chemicals into our Nation. Only 6 percent of the cargo that is coming into the ports is screened. America can do better.
On International Women’s Day, we must remember that violence and injustice against women anywhere is violence and injustice against women everywhere.

TIME TO CHANGE DIRECTION OF THE BUDGET

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

Mr. MORAN of Virginia. Madam Speaker, it has to be said, now that we are going to consider another budget, that this has been the most irresponsible fiscal management of the Federal budget that we have ever seen in our Nation’s history.

When you consider the fact that of all the 42 Presidents that preceded this President, if you added all of the debt that was bought by foreign nations, none of it comes close to the amount of money that we have now borrowed from foreign nations; almost half of our debt. China, particularly, in the last 5 years, has increased their debt holdings of American securities by 300 percent.

But beyond that, when you look at who have been the beneficiaries, you see that there has been smaller job creation in this administration than in any Presidential administration since the days of Herbert Hoover, who experienced, of course, the Great Depression.

Madam Speaker, we need to change this budget around, and not in the direction that the majority wants us to turn.

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When you consider the fact that of all the 42 Presidents that preceded this President, if you added up all the money borrowed from foreign countries it is cumulatively less than the amount of money that this President on his own has borrowed from foreign nations; almost half of our outstanding debt is now held by foreign countries—you have to reach that conclusion. China, particularly, in the last 5 years, has increased their debt holdings of American securities by 300 percent.

But beyond that, when you look at who have been the beneficiaries of this national indebtedness, you see that it is not the working class. There has been smaller job creation in this administration than in any Presidential administration since the days of Herbert Hoover, who presided, of course, over the Great Depression. The beneficiaries of this indebtedness has been the leisure class through tax cuts.

Madam Speaker, we need to change this budget around, and not in the direction that the President and the majority of this Congress wants.

APPOINTMENT OF MEMBER TO BOARD OF VISITORS TO UNITED STATES NAVAL ACADEMY

The SPEAKER pro tempore (Mrs. CAPITTO). Pursuant to 10 U.S.C. 6986(a), and the order of the House of December 18, 2005, the Chair announces the Speaker’s appointment of the following Member of the House to the Board of Visitors to the United States Naval Academy to fill the existing vacancy therein:

Mr. KLINE, Minnesota.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8, 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.

C.W. “BILL” JONES PUMPING PLANT

Mr. GOHMERT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2383) to redesignate the facility of the Bureau of Reclamation located at 19550 Kelso Road in Byron, California, as the “C.W. ‘Bill’ Jones Pumping Plant”.

The Clerk read as follows:

H.R. 2383

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

SECTION 1. REDESIGNATION OF FACILITY.

The facility of the Bureau of Reclamation located at 19550 Kelso Road in Byron, California, and known as the Tracy Pumping Plant, shall be known and designated as the “C.W. ‘Bill’ Jones Pumping Plant”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the “C.W. ‘Bill’ Jones Pumping Plant”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. GOHMERT) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

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

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

There was no objection.

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

Madam Speaker, I urge my colleagues to support this bipartisan bill.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

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

Mrs. CHRISTENSEN. Madam Speaker, H.R. 2383 recognizes the service of the late C.W. “Bill” Jones to the California Water Commission and his 2 years of service as President of the Delta-Mendota Water Authority.

This legislation rightly renames the Bureau of Reclamation’s Tracy Pumping Plant, which raises water from the Sacramento-San Joaquin Delta into the Delta-Mendota Canal, after Mr. Jones.

We on this side of the aisle have no objection to the enactment of H.R. 2383.

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

Mr. GOHMERT. Madam Speaker, we yield back the balance of our time as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GOHMERT) that the House suspend the rules and pass the bill, H.R. 2383.

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.

SAN DIEGO WATER STORAGE AND EFFICIENCY ACT OF 2005

Mr. GOHMERT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1190) to direct the Secretary of the Interior to conduct a feasibility study to design and construct a four reservoir intertide system for the purposes of improving the water storage opportunities, water supply reliability, and water yield of San Vicente, El Capitan, Murray, and Loveland Reservoirs in San Diego County, California.
in consultation and cooperation with the City of San Diego and the Sweetwater Authority, and for other purposes, as amended.

The Clerk reads as follows:

H.R. 1190

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 "San Diego Water Storage and Efficiency Act of 2005".

SEC. 2. FEASIBILITY STUDY, PROJECT DEVELOPMENT, COST SHARE.

(a) IN GENERAL.—The Secretary of the Interior (referred to as "Secretary"), in consultation and cooperation with the City of San Diego and the Sweetwater Authority, is authorized to undertake a study to determine the feasibility of constructing a four reservoir intertie system to improve water storage opportunities, water supply reliability, and water yield of the existing non-Federal water storage system. The feasibility study shall document the Secretary's engineering, environmental, and economic investigation of the proposed reservoir and intertie project taking into consideration the range of potential solutions and the circumstances and needs of the area to be served by the proposed reservoir and intertie project. The potential benefits to the people of that service area, and improved operations of the proposed reservoir and intertie system. The Secretary shall indicate in the study whether the proposed reservoir and intertie project is recommended for construction.

(b) FEDERAL COST SHARE.—The Federal share of the costs of the feasibility study shall not exceed 50 percent of the total study costs. The Secretary may accept as part of the Federal share, any contributions of such in-kind services by the City of San Diego and the Sweetwater Authority that the Secretary determines will contribute toward the conduct and completion of the study.

(c) COOPERATION.—The Secretary shall consult and cooperate with appropriate State, regional, and local authorities in implementing this section.

(d) FEASIBILITY REPORT.—The Secretary shall submit a feasibility report for the project the Secretary recommends, and to seek, as the Secretary deems appropriate, specific authority to develop and construct any recommended project. This report shall include:

(1) good faith letters of intent by the City of San Diego and the Sweetwater Authority and its non-Federal partners to indicate that they have committed to share the allocated costs as determined by the Secretary; and
(2) a schedule identifying the annual operation, maintenance, and replacement costs that should be allocated to the City of San Diego and the Sweetwater Authority, as well as the current and expected financial capability to pay operation, maintenance, and replacement costs.

SEC. 3. FEDERAL RECLAMATION PROJECTS.

Nothing in this Act shall supersede or amend the provisions of Federal Reclamation laws or laws associated with any project or any portion of any project constructed under any authority of Federal Reclamation laws.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary $3,000,000 for the Federal cost share of the study authorized in section 2.

SEC. 5. SUBTITLE.

The authority of the Secretary to carry out any provisions of this Act shall terminate 10 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. GOHMERT) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

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

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

There was no objection.

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

Madam Speaker, H.R. 1190, introduced by my colleague, Chairman DUNCAN HUNTER from California, is the first step in expanding increasingly scarce water supplies for thousands of citizens in the San Diego area.

This bill authorizes the Bureau of Reclamation to assess the feasibility of constructing an intertie system between four reservoirs. Several of those reservoirs are significantly below capacity in most years. Once interconnected, water could then be transported to the unused space.

Growing populations and reduced water storage opportunities require us to make efficient use of the supplies that we have, and this bill does just that. Madam Speaker, I urge my colleagues to support this noncontroversial and important legislation.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the majority has explained this legislation adequately. The bill provides the Secretary full discretion regarding Federal participation in this study and requires a local cost share that is consistent with longstanding Bureau of Reclamation policy.

Madam Speaker, we have no objection to the passage of H.R. 1190.

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

Mr. GOHMERT. Madam Speaker, I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GOHMERT) that the House suspend the rules and pass the bill, H.R. 1190, as amended.

The question was taken; and (two hours and 19 minutes after 2:15 p.m.) the Speaker pro tempore declared the vote to be on the question offered by Mr. GOHMERT, and the vote was taken, the quorum being present, and the result was: aye 250, noes 139, not voting 1.

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

Madam Speaker, I move to suspend the rules and pass the bill (S. 1578) to reauthorize the Upper Colorado and San Juan River Basin endangered fish recovery implementation programs.

The Chair recognizes the gentleman from Texas.

S. 1578

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 "Upper Colorado and San Juan River Basin Endangered Fish Recovery Programs Reauthorization Act of 2005".

SEC. 2. UPPER COLORADO AND SAN JUAN RIVER BASIN ENDANGERED FISH RECOVERY IMPLEMENTATION PROGRAMS.

Section 3 of Public Law 106-392 (114 Stat. 2002; 116 Stat. 3113) is amended—

(A) in subsection (a) (1), by striking $46,000,000 and inserting $61,000,000;
(B) in subsection (b) (2), by striking $208 and inserting $200; and
(C) in paragraph (3), by striking $208 and inserting $200.

(2) in subsection (b) —

(A) by striking $100,000,000 and inserting $126,000,000;
(B) in paragraph (1)—

(i) by striking $82,000,000 and inserting $108,000,000; and
(ii) by striking $20,000,000 and inserting $31,000,000.

(C) in paragraph (2), by striking $200 and inserting $200; and
(D) in subsection (c) —

(A) in the first sentence, by inserting "and the Elkhad Head Reservoir enlargement" after "Wolford Mountain Reservoir"; and
(B) in the second sentence, by striking $20,000,000 and inserting $31,000,000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. GOHMERT) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

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

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

There was no objection.

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

Madam Speaker, S. 1578, sponsored by Senator WAYNE ALLARD from Colorado, reauthorizes the Upper Colorado and San Juan River Basin endangered fish recovery programs.

Congresswoman CUBIN of Wyoming, a wonderful resource on the Resources Committee, is the sponsor of the House companion measures, and she should be commended for her hard work on this bill.
The dual goals of those programs are to recover four endangered fish species and to ensure that local citizens can continue to use the rivers for their economic, social and cultural needs. Unlike much of the Endangered Species Act’s activity, the programs have performance measures and benchmarks to determine recovery progress. As a result, the programs enjoy broad support among various users.

This reauthorization will allow for the lack of funds of the needed construction projects to enhance fish recovery. I urge my colleagues to support this bipartisan bill. I applaud Mrs. Cubin as the sponsor of the House companion measure.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I am the lead sponsor of H.R. 3153, the identical House measure to S.1578 under consideration today. This bill is quite simple. It will reauthorize the Upper Colorado and San Juan endangered fish recovery programs for 2 additional years. This action is necessary to complete the capital construction of these two successful efforts.

The program’s existing authorization is set to expire in fiscal year 2008. However, construction costs have increased faster than the consumer price index over the past several years due to factors such as an improved economy and increased energy costs.

This measure’s two-year extension of the programs’ existing authorization will allow the Bureau of Reclamation to continue providing cost-sharing for these programs. More specifically, S.1578 would authorize the Bureau to expend an additional $15 million in cost-sharing funds for the Upper Basin programs, while recognizing an additional $11 million in non-federal cost-sharing.

It is important to note that this bill maintains both a cap on expenditures and a sunset provision on the time frame for those expenditures, as intended in the original authorization.

I would also like to draw attention to the bipartisan support this bill has garnered. The House passed H.R. 3153, with introduced with 12 original cosponsors, comprised of the entire Utah and New Mexico delegations and all but one of the Colorado delegation—all of the states affected by these two programs.

I have been a strong supporter of these programs, and urge my colleagues to support this action. This bill will allow necessary construction projects to advance the goals of continued water supply and usage with the recovery efforts of four endangered fish populations.

It is these kind of on-the-ground programs that Congress should be encouraging to ensure endangered species recovery efforts are locally supported and results-driven. Passage of this bill represents Congress’ acknowledgment that locally-driven programs with real recovery goals is the best approach toward species recovery.

Mr. UDALL of Colorado. Madam Speaker, I rise in support of this bill, and to thank Chairman Pombo and Ranking Member Rahall for making it possible for the House to consider it today.

This bill, cosponsored by both of Colorado’s Senators, will reauthorize and expand the authority of the Bureau of Reclamation to undertake capital projects for the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin and the San Juan River Basin Recovery Implementation Program.

I am a cosponsor of the companion bill, H.R. 3153, which was approved by the Resources Committee last year and which is also cosponsored by my Colorado colleagues, Representatives Degette, Salazar, and Beauprez.

The Upper Colorado and San Juan recovery programs were established in 1988 and 1992, respectively, through broad-based cooperative agreements that provide for the active participation of the States of Colorado, New Mexico, Utah and Wyoming; the U.S. Fish and Wildlife Service; the Bureau of Reclamation; the National Park Service; the Western Area Power Administration; the Bureau of Land Management; the Bureau of Indian Affairs; the Jicarilla Apache Nation; the Ute Mountain Ute Tribe; the Southern Ute Tribe; the Ute Mountain Ute Tribe; the Colorado River Energy Distributors Association; water development interests; and several environmental organizations.

These successful programs are meeting their dual objectives of recovering endangered species—the Colorado pikeminnow, the humpback chub, the razorback sucker, and the bonytail chub—while allowing needed water development to proceed in compliance with the Endangered Species Act (ESA). Key parts of these programs are construction of fish ladders, fish screens, and fish passage structures as well as habitat restoration and management.

So far, these programs have provided ESA compliance for over 800 water projects that provide more than 2.5 million acre-feet of water per year.

However, because of increased construction and property acquisition costs, the amounts authorized to be appropriated for the program are no longer adequate to fulfill the program’s goals. In addition, the annual cap on cost-sharing for capital construction projects is scheduled to terminate in 2008, even though projects currently underway cannot be completed by the program termination date.

To respond to those needs, this bill will extend the authorization through 2010, increase the amount authorized for the Federal share of project costs, and raise the limitation on the total costs of projects.

The Bureau of Reclamation has informed us that prompt action on the legislation is necessary if they are to take advantage of a window of opportunity to begin work on recovery-program projects before spring runoff and flash floods make it necessary to wait until next year.

I think we should not lose precious time. So, I am glad that the House is considering this bill today and I urge its approval.

Mr. SALAZAR. Madam Speaker, I speak today in support of the Upper Colorado River and San Juan River Basin Endangered Fish Recovery Programs like the legislation of 2005. These important programs are helping us to recover four endangered fish species along the Colorado and San Juan Rivers.

It is essential to these western Colorado water communities that Congress reauthorize the program so we can continue with recovery efforts that would otherwise come to an end. We urge that both the Upper Colorado River and the San Juan River be vital water supplies to western Colorado. Over 1,000 water projects are reliant upon the waters in these rivers and tributaries. You can imagine the difficulty of trying to coordinate species recovery with the needs of so many water projects. But that is exactly what we have been able to do and I am proud of our work.

This program can serve as a national model for public and private partnerships for endangered species recovery. It allows water development in accordance with the State and Federal laws to continue while the partners work to recover the endangered fish species. As an individual water user I appreciate how this program does not pass the depletion burdens onto individual water projects and users. It is also very impressive that these partners have been able to work towards species recovery without a single lawsuit filed under the Endangered Species Act.

While water wars are historic throughout the West, this cooperative partnership among the affected parties is truly historic. This is a good bill and I urge my colleagues to support this legislation.

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

Mr. GOHMERT. Madam Speaker, I speak as the sponsor of the House companion bill, H.R. 4192, which was passed. So far, these programs have provided ESA compliance for over 800 water projects that provide more than 2.5 million acre-feet of water per year.

AUTHORIZING THE SECRETARY OF THE INTERIOR TO DESIGNATE THE PRESIDENT WILLIAM JEFFERSON CLINTON BIRTHPLACE HOME IN HOPE, ARKANSAS, AS A NATIONAL HISTORIC SITE

Mr. GOHMERT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4192) to authorize the Secretary of the Interior to designate the President William Jefferson Clinton Birthplace Home in Hope, Arkansas, as a National Historic Site and unit of the National Park System, and for other purposes.

The Clerk as read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
VerDate Aug 31 2005 05:32 Nov 16, 2006 Jkt 059060 PO 00000 Frm 00008 Fmt 4634 Sfmt 0634 E:\RECORDCX\T37X$J0E\H08MR6.REC H08MR6CCOLEMAN on PROD1PC71 with CONG-REC-ONLINE

SECTION 1. WILLIAM JEFFERSON CLINTON BIRTHPLACE HOME NATIONAL HISTORIC SITE. (a) ACQUISITION OF PROPERTY; ESTABLISHMENT OF HISTORIC SITE.—The Secretary shall acquire by donation or purchase from the State of Arkansas or any local governing unit the interest in the William Jefferson Clinton Birthplace Home site located at 117 South Hervey Street, Hope, Arkansas, 71801, and to any persons who may have an interest to that site, the Secretary shall designate the William Jefferson Clinton Birthplace Home site as a National Historic Site and unit of the National Park System, to be known as the President William Jefferson Clinton Birthplace Home National Historic Site'.

(b) APPLICABILITY OF OTHER LAWS.—The Secretary shall administer the President William Jefferson Clinton Birthplace Home National Historic Site in accordance with the laws generally applicable to national historic sites, including the Act entitled ‘An Act to establish a National Park Service, and for other purposes’, approved August 25, 1916 (16 U.S.C. 1–4), and the Act entitled ‘An Act to preserve certain historical American sites, buildings, objects and antiquities of national significance, and for other purposes’, approved August 21, 1935 (16 U.S.C. 461 et seq).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. Gohmert) and the gentlewoman from the Virgin Islands (Ms. Christensen) each will control 20 minutes.

‘The Chair recognizes the gentleman from Texas.

General Leave

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

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calendar by our leaders in both parties that recognized it for what it is, about history, not about politics. So I am deeply, deeply saddened that one Member out of 435 has chosen to try to divide us once again by taking a history lesson and turning it into a partisan ball game.

In my mind and in the minds of my colleagues from Arkansas there is no doubt this important property in Hope, Arkansas, deserves Federal recognition. I believe the preservation of properties of historical significance is a necessary and important function of our government. The designation as a national historic site and unit of the National Park System will open the doors for further economic opportunities and prosperity for the city of Hope and all of southwest Arkansas. This site will celebrate, it will celebrate the history and educate thousands of visitors on the early life of our 42nd President of the United States of America, President William Jefferson Clinton, who came into this world on August 19, 1946, as William Jefferson Blythe, III, in Hope, Arkansas, just 3 months after his father was killed in a car accident.

I mentioned that this has bipartisan support, Madam Speaker. This is about economic development. It is about tourism. It is about history. It is about maintaining and protecting and preserving an historic site, the birthplace home of the 42nd President of the United States of America.

Our Republican Governor in Arkansas gets it. And I want to thank him for the opportunity to share with my colleagues and make a part of the Record a letter I received dated yesterday from our Republican Governor, Mike Huckabee who, too, grew up in Hope, Arkansas.

The Honorable Mike Huckabee: Thank you for your efforts to honor and recognize the birthplace of our 42nd President, William Jefferson Clinton, by naming his birthplace home in Hope, Arkansas, a national historic site. As custodians of this historic site, we have an obligation to the former Presidents with libraries and other accolades, I cannot think of a better tribute to President Clinton than this recognition. The lasting impact this will have for the state and country is immeasurable. Not only will it provide future generations an educational look into our 42nd President and the times he lived in, but it will provide this region of our state and specifically my native home of Hope added economic opportunity and prosperity.

"H.R. 4192 is an important piece of legislation for not only the reasons mentioned above, but also for the preservation and protection of this historic site, which is frequently reliant upon private donations. President Clinton will forever be a true Arkansan, and this piece of legislation will allow not only Arkansas but the country the ability to properly honor him and his service.

"Again, thank you for your work on this legislation. I look forward to working with you to see its passage out of Congress this year.

"Sincerely yours, Mike Huckabee, Governor of the State of Arkansas."

Might I add, a Republican Governor, who like myself, grew up in Hope, Arkansas.

Finally, Madam Speaker, I would like to at least read a part of a letter from Mack McLarty who was President Clinton's first White House Chief of Staff and someone who commanded respect from both sides of the aisle during those early Clinton years.

"Dear Mike: I'm writing today in support of H.R. 4192, your bill authorizing the Secretary of the Interior to designate President William Jefferson Clinton's birthplace home in Hope, Arkansas as a national historic site and unit of the National Park System. This step would be a fitting recognition of President Clinton's birthplace home in our Nation's Presidential history and help assure the proper recognition for this site for future generations. This site will celebrate history and educate thousands of visitors and perhaps, most importantly, it will bring jobs and economic development opportunities to southwest Arkansas.

"As you know, I was born and raised in Hope myself. My lifelong friendship with President Clinton dates back to Miss Mary's kindergarten. Not surprisingly, then, my attachment to 117 South Heritage Street is personal and heartfelt, but, more than that, I believe the Clinton birthplace stands for something larger than itself."

Mack McLarty goes on to write that, "As I wrote some years ago in an essay for the Arkansas Historic Preservation Program, I believe that white frame house is worthy of more than a nod of nostalgia because the values President Clinton learned there and in Hope formed the core of his political philosophy.

"In 1946 when President Clinton and I were born, Hope was the essence of small-town America. Family and faith were at the center of people's lives. Commitment to work was expected. From the schools to the churches, local businesses and charities, knowing and caring for one another was part of daily life. And as our friend, Joe Purvis, later wrote, 'It bred a sense of responsibility, because if you misbehaved, your mama knew about it before you got home.'"

Mack McLarty continues in his letter, "For a small boy growing up in that era, Hope lived up to its name. We had won the war. The economy was booming. The American Dream was alive. People had confidence in a future they believed was theirs to shape. It was a time of infectious optimism and seemingly limitless potential.

"I do not mean to suggest that our hometown was perfect. We never thought it was even then. Hope was segregated up north, segregated like the rest of the South. It had its share of human frailty and vice, but kids were taught, growing up, to respect the dignity of each individual. There was a genuine sense of community in Hope that crossed income lines and, in many ways, race as well."

Mack McLarty continues in his letter in support of this bill, "The young Bill Clinton, who was then Billy Blythe, understood this perhaps better than most. His father had died before he was born. His mother, determined to provide for her son, was in nurse anesthetist school in New Orleans, a brave step in an era when single mothers and working women were uncommon. Young Billy was raised those first few years primarily by his grandparents who owned a grocery on North Hazel Street across from Rose Hill Cemetery.

"I could continue, Madam Speaker, but there are others who want to speak in support of this bill on both sides of the aisle, and I applaud them and thank them for helping me restore and maintain and preserve this piece of history, as we should for all 42 former Presidents, Democrat and Republican alike.

H.R. 4192 is an important piece of legislation for not only the reasons mentioned above, but also for the preservation and protection of this historic site, which is currently reliant upon private donations. President Clinton will forever be a true Arkansan and this piece of legislation will allow not only Arkansas but the country the ability to properly honor him and his service.

Again thank you for your work on this legislation and I look forward to working with you to see its passage out of Congress this year.

Sincerely yours, Mike Huckabee, Governor of the State of Arkansas.

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CONGRESSIONAL RECORD—HOUSE
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this bill, both Republican and Demo-
crat, but it is the kind of bill that in any State we would all do the same thing, Republican or Democrat, to pre-
serve this kind of a historic place.

Obviously, we are all very much aware that during his time in office President Clinton has been a controversial figure. Any President is these days, but what we are talking about is pre-
serving the childhood home, the birth-
place home, of this President.

As the child of a single-parent household, I think it is im-
portant that we enrich those sites that have been preserved so this story can be told also, that no longer are our Presidents, like Abraham Lincoln, reading by firelight because there was no electricity in those days, but in this modern era that any child in America, regardless of background, can rise above that background, take those val-
ues that he learns and, regardless of party affiliation, go on to achieve great things in this country.

So I think this is very important. I am very much appreciative of Mr. HASTERT and Mr. POMBO for allowing this bill to come to the floor. Our Re-
publican Governor, Governor Huckabee, is also supportive. And also, thanks today to the people of Hope who have kept this site in a state of sus-
pended animation and preserved it while their Federal Government catches up with them in recognizing the signif-
cance of preserving and main-
taining for all time this modest home.

Mr. GOHMERT. Madam Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. KEL-
LER), my friend.

Mr. KELLER. Madam Speaker, thank the gentleman for yielding me the time, and I just want to say I in-
tend to vote for this. I think it is wor-
thy of being designated as an historic site.

Ms. GINNY BROWN-WAITE of Flor-
da. Madam Speaker, will the gentle-
man yield?

Mr. KELLER. I yield to the gentle-
woman from Florida.

Ms. GINNY BROWN-WAITE of Flor-
da. Madam Speaker, I thank the gentle-
man for yielding.

As I said before, my decision to call for a record vote is based on the fu-
ture of our country and the fact that we must stop the spread of alcohol, get infor-
mation out there about Mr. Clinton's involvement in the Dubai port, the whole issue.

It is about hope, certainly about Hope, Arkansas. I hope to vote for this bill. I had hoped to vote for the bill be-
cause I had hoped that Mr. Clinton would do the right thing and register as a foreign agent. That not happening is the reason why I am objecting to the bill at this time.

I also believe that we need to pre-
serve birthplaces of our Presidents, and had we had enough time, I just would have asked the leadership to postpone this vote. I wanted to vote for this bill, but the more information that comes out about the millions of dollars that have been paid by the UAE to Mr. Cl
inton just gives many Americans the lack of hope for our security. That is exactly why I am going to call for the yeas and nays.

It is not against President Clinton. It is not against him, but rather, I wish we had more time so that the public would know exactly how involved he was in what that million dollars bought when it came to the Dubai port issue.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may con-
sume.

This bill, H.R. 4192, would give the home most closely associated with the 42nd President of the United States the designation that other Presidents have had. It is about naming this boyhood home as a national historic site. It is not about policy, and in 2002, Members on both sides of the aisle, regardless of any disagreements they may have had over any of President Reagan's poli-
cies, came together and whole-
heartedly supported the designation of the Ronald Reagan Boyhood Home as a national historic site.

In his Presidency, William Jefferson Clinton, a President of African American birth, were at that time left behind and left out and left on the fringes of American society reasons to hope. It is fitting that we recognize his 8 years of service to this country as our President and designate it as a national historic site.

I would urge all of my colleagues on both sides of the aisle to support this bill, as we have supported so many oth-
ers for Presidents in the past. Madam Speaker, I yield back the balance of my time.

Mr. GOHMERT. Madam Speaker, I yield myself such time as I may con-
sume.

I appreciate my colleagues across the aisle. You are right, this is not a par-
tisan issue when we are talking about the birthplace of a President. Frankly, here I am making the motion, and I never voted for President Clinton. I was not a big fan of President Clinton, but you are right, also: he came from extraordinary circumstances and rose to the highest position in this country.

I mean, he and I apparently had very different lifestyles growing up. I never consumed a drop of alcohol, and when I was underage, I never not only did not inhale, I never smoked.

There are so many things different in our backgrounds, and he ought to be an example to every child out there, whether leaning toward being Repub-
lican or Democrat. That President Bill Clinton, with the things that he had in his background, could reach the Na-
tion's highest office. I mean, any of you should know that it is not out of your reach either. It is extraordinary what he accomplished.

But there is an old political adage that says, democracy ensures that a people govern no better than they de-
serve. In 1992 and 1996, whether any of us like it or not, America deserved Bill Clinton, and that is who we elected. It is now a fact he has been a President. It is now a fact that his birthplace should be a historical site, and I under-
stand the concerns of the gentlewoman from Florida (Ms. GINNY BROWN-
WAITE), my friend. Maybe there will be a room dedicated to all the money made from the UAE, but that is some-
one else's determination.

The fact is it is a historical place. It deserves that designation, and, hope-
fully, people will be inspired for years to come that this is America. It does not matter what your background is; you can rise to the highest office in the land, and you should be inspired by that.

For that reason, I would urge the passage of this bill.

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

The SPEAKER pro tempore. The motion to suspend the rules and pass the bill (H.R. 4192) is killed.

The question was taken.

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

Ms. GINNY BROWN-WAITE of Flor-
da. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. The yeas and nays are required. All those in favor of taking this vote by the yeas and nays will rise and remain standing untill counted. A sufficient number hav-
ing arisen, the yeas and nays are or-
dered.

Mr. ROSS. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentle-
man will state it.

Mr. ROSS. Madam Speaker, I do not see a sufficient number standing.

The SPEAKER pro tempore. Under the Constitution, one-fifth of those present is a sufficient number.

Mr. ROSS. Madam Speaker, I only see one Member standing on this mo-
tion.

The SPEAKER pro tempore. The Chair's count is not subject to ques-
tion, and the Chair observed a suffi-
cient number.

The yeas and nays were ordered.

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

Mr. SENSENBRENNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4472) to protect children, to secure the safety of judges,
prosecutors, law enforcement officers, and their family members, to reduce and prevent gang violence, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4472

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Children's Safety and Violent Crime Reduction Act of 2006." 

(b) TABLE OF CONTENTS.—The table of con-
ents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 101. Declaration of purpose.

Sec. 102. Definition of purpose.

Subtitle A—Jaxon Walterling Sex Offender Registration and Notification Program

Sec. 111. Relevant definitions, including Amie Zyla expansion of sex of-

Sec. 112. Registry requirements for jurisdic-

Sec. 113. Registry requirements for sex of-

Sec. 114. Information required in registra-

Sec. 115. Duration of registration require-

Sec. 116. In-person verification.

Sec. 117. Duty to notify sex offenders of reg-

Sec. 118. Jessica Lunsford Address Verification Program.

Sec. 119. National Sex Offender Registry.

Sec. 120. Dru Sjodin National Sex Offender Public Website.

Sec. 121. Public access to sex offender infor-

Sec. 122. Megan Nicole Kanka and Alexandra Nicole Zapp Community Notification Program.

Sec. 123. Actions to be taken when sex of-

Sec. 124. Immunity for good faith conduct.

Sec. 125. Development and availability of registry management software.

Sec. 126. Federal duty when State programs not minimally sufficient.

Sec. 127. Period for implementation by juris-

Sec. 128. Failure to comply.

Sec. 129. Sex Offender Management Assist-

Sec. 130. Demonstration project for use of elec-

Sec. 131. Bonus payments to States that im-

Sec. 132. Access to national crime informa-

Sec. 133. Limited immunity for National Center for Missing and Exploited Children with respect to CyberTipline.

Sec. 134. Treatment and management of sex offenders in the Bureau of Pris-

Sec. 135. GAO studies on feasibility of using driver's license registration processes as additional reg-

Sec. 136. Assistant in identification and loca-

Sec. 137. Election of Indian tribes.

Sec. 138. Registration of prisoners released from foreign imprisonment.

Sec. 139. Sex offender risk classification study.

Sec. 140. Study of the effectiveness of re-

Sec. 141. Other purposes, as amended.

Subtitle B—Criminal Law Enforcement of Registration Requirements

Sec. 151. Amendments to title 18, United States Code, relating to sex of-

Sec. 152. Federal Investigation of sex of-

Sec. 153. Sex offender apprehension grants.

Sec. 154. Use of any controlled substance to facilitate sex offense, and pro-

Sec. 155. Repeal of predecessor sex offender registration.

Sec. 156. Assistance for prosecution of sex offenses cleared through use of DNA backlog clearance funds.

Sec. 157. Grants to combat sexual abuse of children.

Sec. 158. Expansion of training and techn-

Sec. 159. Revocation of probation or super-

Sec. 160. Office on Sexual Violence and Crimes Against Children

Sec. 161. Establishment.

Sec. 162. Director.

Sec. 163. Duties and functions.

TITLE II—DNA FINGERPRINTING

Sec. 201. Technical amendment.


Sec. 203. Model code on investigating miss-

Sec. 204. Assured punishment for violent crimes against children.

Sec. 205. Kenneth Wrede fair and expeditious habeas review of State criminal convictions.

Sec. 206. Rights associated with habeas corpus proceedings.

Sec. 207. Study of Interstate tracking of per-

Sec. 208. Use of any controlled substance to facilitate sex offense, and pro-

Sec. 209. Suspension and subsequent elimination of Opt-Out.

TITLE III—PROTECTION AGAINST SEXUAL EXPLOITATION OF CHILDREN

Sec. 301. Increased penalties for sexual of-

Sec. 302. Use of any controlled substance to facilitate sex offense, and pro-

Sec. 303. Use of any controlled substance to facilitate sex offense, and pro-

Sec. 304. Assure the successful release of children from foreign impriso-

Sec. 305. Penalties for coercion and entice-

Sec. 306. Sex offender submission to search as condition of release.

Sec. 307. Kidnapping jurisdiction.

Sec. 308. Marital communication and ad-

Sec. 309. Abuse and neglect of Indian chil-

Sec. 310. Jimmy Ryce Civil commitment program.

Sec. 311. Jimmy Ryce State civil commit-

Sec. 312. Mandatory penalties for sex-traf-

Sec. 313. Sexual abuse of children.

Sec. 314. No limitation for prosecution of felony sex offenses.

Sec. 315. Child abuse reporting.

TITLE VI—CHILD PORNOGRAPHY PREVENTION

Sec. 401. Increased penalties for sexual of-

Sec. 402. Use of any controlled substance to facilitate sex offense, and pro-

Sec. 403. Penalties for child pornography.

Sec. 404. Prevention of distribution of child pornography used as evidence in prosecutions.

Sec. 405. Authorizing civil and criminal asset forfeiture in child exploi-

Sec. 406. Prohibiting the production of obscenity as well as transpor-

Sec. 407. Guardians ad litem.

TITLE VII—COURT SECURITY

Sec. 501. Judicial branch security require-

Sec. 502. Additional amounts for United States Marshals Service to pro-

Sec. 503. Protection of individuals performing certain official duties.

Sec. 504. Report on security of Federal pro-

Sec. 505. Flight to avoid prosecution for killing peaceful officers.

Sec. 506. Special penalties for murder, kid-

Sec. 507. Kidnapping jurisdiction.

Sec. 508. Marital communication and ad-

Sec. 509. Abuse and neglect of Indian chil-

Sec. 510. Jimmy Ryce Civil commitment program.

Sec. 511. Jimmy Ryce State civil commit-

Sec. 512. Mandatory penalties for sex-traf-

Sec. 513. Sexual abuse of children.

Sec. 514. Prevention of distribution of child pornography used as evidence in prosecutions.

Sec. 515. Authorizing civil and criminal asset forfeiture in child exploi-

Sec. 516. Prohibiting the production of obscenity as well as transpor-

Sec. 517. Guardians ad litem.

Sec. 518. Authority of Federal judges and Federal law enforcement officers.

Sec. 519. Protection of individuals performing certain official duties.

Sec. 520. Report on security of Federal pro-

Sec. 521. Flight to avoid prosecution for killing peaceful officers.

Sec. 522. Special penalties for murder, kid-

Sec. 523. Kidnapping jurisdiction.

Sec. 524. Marital communication and ad-

Sec. 525. Abuse and neglect of Indian chil-

Sec. 526. Jimmy Ryce Civil commitment program.

Sec. 527. Jimmy Ryce State civil commit-

Sec. 528. Mandatory penalties for sex-traf-

Sec. 529. Sexual abuse of children.

Sec. 530. Prevention of distribution of child pornography used as evidence in prosecutions.

Sec. 531. Authorizing civil and criminal asset forfeiture in child exploi-

Sec. 532. Prohibiting the production of obscenity as well as transpor-

Sec. 533. Guardians ad litem.

Sec. 534. Authority of Federal judges and Federal law enforcement officers.

Sec. 535. Protection of individuals performing certain official duties.

Sec. 536. Report on security of Federal pro-

Sec. 537. Flight to avoid prosecution for killing peaceful officers.

Sec. 538. Special penalties for murder, kid-

Sec. 539. Kidnapping jurisdiction.
Sec. 102. DECLARATION OF PURPOSE.

Sec. 801. Revision and extension of penalties related to criminal street gang activity.

Sec. 802. Increased penalties for interstate and foreign travel or transportation in aid of racketeering.

Sec. 803. Amendments relating to violent crime.

Sec. 804. Increased penalties for use of interstate commerce facilities in the commission of murder-for-hire and other felony crimes of violence.

Sec. 805. Increased penalties for violent crimes in aid of racketeering activity.

Sec. 806. Murder and other violent crimes committed during and in relation to a drug trafficking crime.

Sec. 807. Multiple interstate murder.

Sec. 808. Additional racketeering activity.

Sec. 809. Expansion of rebuttable presumption against release of persons charged with firearms offenses.

Sec. 810. Venue in capital cases.

Sec. 811. Statute of limitations for violent crime.

Sec. 812. Clarification to hearsay exception to the definition of hearsay.

Sec. 813. Transfer of juveniles.

Sec. 814. Crimes of violence and drug crimes committed by illegal aliens.

Sec. 815. Listing of immigration violators in the National Crime Information Center database.

Sec. 816. Study.

TTITLE IX—INC crease in D RESS to PREVENT AT- RISK YOUTH FROM JOINING ILLegal STRE ep GANGS

Sec. 901. Grants to State and local prosecutors to combat violent crime and to protect witnesses and victims of crimes.

Sec. 902. Reauthorize the gang resistance education and training projects program.

Sec. 903. State and local reentry courts.

TTITLE XV—CRIME PREVENTION

Sec. 1001. Crime prevention campaign grant.


TTITLE XI—NATIONAL CHILD ABUSE AND NEGLECT REGISTRY ACT

Sec. 1101. Short title.

Sec. 1102. National registry of substantiated cases of child abuse.

TTITLE I—SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

SEC. 101. SHORT TITLE.

This title may be cited as the “Sex Offender Registration and Notification Act”.

SEC. 102. DECLARATION OF PURPOSE.

In order to protect the public from sex offenders and predators against children, and in response to the vicious attacks by violent sexual predators against the victims listed below, Congress in this Act establishes a comprehensive national system for the registration of those offenders:

(1) Jacob Wetterling, who was 11 years old, was abducted in 1989 in Minnesota, and remains missing.

(2) Megan Nicole Kanka, who was 7 years old, was abducted, sexually assaulted and murdered in 1994, in New Jersey.

(3) Pam Lychner, who was 31 years old, was abducted in 1989 in Minnesota, and remains missing.

(4) Jetseta Gage, who was 10 years old, was kidnapped, sexually assaulted, and murdered in 2005 in Cedar Rapids, Iowa.

(5) Dru Sjödin, who was 22 years old, was sexually assaulted and murdered in 2003, in North Dakota.

(6) Jessica Lunsford, who was 9 years, was abducted, sexually assaulted, buried alive, and murdered in 2005, in Homosassa, Florida.

(7) Sarah Lunde, who was 13 years old, was strangled and murdered in 2005, in Ruskin, Florida.

(8) Amie Zyla, who was 8 years old, was sexually assaulted in 1996 by a juvenile offender in Waukesha, Wisconsin, and has become an advocate for child victims and protection of children from juvenile sex offenders.

(9) Christy Ann Fornoff, who was 13 years old, was abducted, sexually assaulted and murdered in 1984, in Tempe, Arizona.

(10) Alexandria Nicole Zapp, who was 30 years old, was brutally attacked and murdered in a public and a repeat sex offender in 2002, in Bridgewater, Massachusetts.

(11) Polly Klaas, who was 12 years old, was abducted, sexually assaulted and murdered in 1993 by a career offender in California.

(12) Jimmy Ryce, who was 9 years old, was kidnapped and murdered in Florida on September 11, 1996.

(13) Carlie Brucia, who was 11 years old, was abducted and murdered in Florida in February, 2000.

(14) Amanda Brown, who was 7 years old, was abducted and murdered in Florida in 1998.

Subtitle A—Jacob Wetterling Sex Offender Registration and Notification Program

SEC. 111. RELEVANT DEFINITIONS, INCLUDING AMIE Zyla EXPANSION OF SEX OFFENDER DEFINITIONS, AND PANDED INCLUSION OF CHILD PREPARED.

In this title the following definitions apply:

(1) SEX OFFENDER REGISTRY.—The term “sex offender registry” means a registry of sex offenders, and to enumerate program, maintained by a jurisdiction.

(2) JURISDICTION.—The term jurisdiction means any of the following:

A. A State.

B. The District of Columbia.

C. The Commonwealth of Puerto Rico.

D. Guam.

E. American Samoa.

F. The Northern Mariana Islands.

G. The United States Virgin Islands.

H. To the extent provided and subject to the requirements of section 1801 of title 18, United States Code.

(3) SEX OFFENDER.—The term “sex offender” means an individual who, either before or after the enactment of this Act, was convicted of, or adjudicated as a juvenile delinquent for, a sex offense.

(4) EXPANSION OF DEFINITION OF OFFENSE TO INCLUDE ALL CHILD SEXUAL ABUSERS.—The term “specified offense against a minor” means an offense against a minor that involves any of the following:

A. An offense (unless committed by a parent) involving kidnapping.

B. An offense (unless committed by a parent) involving false imprisonment.

C. Solicitation to engage in sexual conduct.

D. Use in a sexual performance.

E. Solicitation to practice prostitution.

F. Possession, production, or distribution of child pornography.

G. Criminal sexual conduct involving a minor, or the use of the Internet to facilitate an attempt to commit such an offense.

H. Any conduct that by its nature is a sex offense against a minor.

I. Video voyeurism, as described in section 1801 of title 18, United States Code.

(5) Any attempt or conspiracy to commit an offense described in this paragraph.

The term “Tier II sex offender” means a sex offender whose offense is punishable by imprisonment for more than one year.

(6) Occurs after the offender becomes a Tier I sex offender.

The term “Tier III sex offender” means a sex offender whose offense is punishable by imprisonment for more than one year and—

(7) Involves a crime of violence as defined in section 16 of title 18, United States Code, against the person of another, except a crime of violence consisting of an abusive sexual contact, as defined in section 2246.

(8) Is an offense where the victim had not attained the age of 13 years; or

(9) Occurs after the offender becomes a Tier II sex offender.

(10) Any Zyla Expansion of Sex Offense Definition.—The term “sex offense” means:

A. A State, local, tribal, foreign, or other criminal offense that involves a sex offense that is an attempt or conspiracy to commit an abuse sexual contact, as defined in section 2246.

B. An offense (unless committed by a parent) involving sexual assault, or sexual contact with another or an attempt or conspiracy to commit such an offense, but does not include an offense involving conduct where the victim was an adult or was at least 13 years old and the offender was not more than 4 years older than the victim.

C. A State, local, tribal, foreign, or other specified offense against a minor; or

D. A Federal offense (including an offense prosecuted under section 1503 of title 18, United States Code) under section 1201, 1591, or 1801, or chapter 109A, 110, or 117, of title 18, United States Code, or any other Federal offense designated by the Attorney General for the purposes of this paragraph; or


(12) STUDENT.—The term “student” means an individual who is self-employed or works for any other entity, whether compensated or not.

(13) RESIDES.—The term “resides” means, with respect to an individual, the location of the individual’s home or other place where the individual lives.

(14) MINOR.—The term “minor” means an individual who has not attained the age of 18 years.

(15) CONVICTED.—The term “convicted” or a variant thereof, used with respect to a sex offense, includes adjudicated delinquent as a juvenile for that offense.

SEC. 111A. REGISTRY REQUIREMENTS FOR JURISDICTIONS.

Each jurisdiction shall maintain a jurisdiction-wide sex offender registry conforming to the requirements of this title. The Attorney General shall issue guidelines and regulations to interpret and implement this title.

SEC. 111B. REGISTRY REQUIREMENTS FOR SEX OFFENDERS.

(a) In General.—A sex offender must register, and keep the registration current, in each jurisdiction where the offender was convicted or adjudicated as a juvenile delinquent for a sex offense.
(b) INITIAL REGISTRATION.—The sex offender shall initially register—

(1) before completing a sentence of imprisonment with respect to the offense giving rise to the registration requirement; or

(2) not later than 5 days after being sentenced for that offense, if the sex offender is not sentenced to a term of imprisonment.

(c) REQUIREMENT TO UPDATE REGISTRATION.—A sex offender must inform each jurisdiction involved, not later than 3 days after each change of residence, employment, or student status.

(d) INITIAL REGISTRATION OF SEX OFFENDERS UNABLE TO COMPLY WITH SUBSECTION (b).—The Attorney General shall prescribe rules to assure that the sex offender, if the appropriate official does not already have available an accurate set.

(e) STATE PENALTY FOR FAILURE TO COMPLY.—Each jurisdiction, other than a Federally recognized Indian tribe, shall provide a criminal penalty, that includes a maximum term of imprisonment that is greater than one year, and a minimum term of imprisonment that is greater than 90 days, for the failure of a sex offender to comply with the requirements of this title.

SEC. 114. INFORMATION REQUIRED IN REGISTRATION.

(a) PROVIDED BY THE OFFENDER.—The sex offender must provide the following information to the appropriate official for inclusion in the sex offender registry:

(1) the name and physical description of the sex offender (including any alias used by the individual);

(2) the Social Security number of the sex offender;

(3) the address of the residence at which the sex offender resides or will reside;

(4) the name and address of the place where the sex offender is employed or will be employed;

(5) the name and address of the place where the sex offender is a student or will be a student;

(6) the license plate number and description of any vehicle owned or operated by the sex offender;

(7) a photograph of the sex offender;

(8) a set of fingerprints and palm prints of the sex offender, if the appropriate official determines that the jurisdiction does not already have available an accurate set;

(9) a DNA sample of the sex offender, if the appropriate official determines that the jurisdiction does not already have available an appropriate DNA sample;

(10) a photocopy of a valid driver’s license or identification card issued to the sex offender by a jurisdiction;

(11) any other information required by the Attorney General.

(b) PROVIDED BY THE JURISDICTION.—The jurisdiction in which the sex offender resides shall include the following information in the registry for that sex offender:

(1) a statement of the facts of the offense giving rise to the requirement to register under this title, including the date of the offense, and whether or not the sex offender was prosecuted as a juvenile at the time of the offense;

(2) the criminal history of the sex offender;

(3) any other information required by the Attorney General.

SEC. 115. DURATION OF REGISTRATION REQUIREMENT.

A sex offender shall keep the registration current in the jurisdiction in which the sex offender is in custody or civilly committed—

(1) 20 years, if the offender is a tier I sex offender;

(2) 30 years, if the offender is a tier II sex offender; and

(3) the life of the offender, if the offender is a tier III sex offender.

SEC. 116. IN PERSON VERIFICATION.

A sex offender shall appear in person, provide the requisite information, and verify the information in each registry in which the sex offender is required to be registered not less frequently than—

(1) every 2 months, if the offender is a tier I sex offender;

(2) every 3 months, if the offender is a tier II sex offender; and

(3) every 4 months, if the offender is a tier III sex offender.

SEC. 117. DUTY TO NOTIFY SEX OFFENDERS OF REGISTRATION REQUIREMENTS AND TO REGISTER.

An appropriate official shall, shortly before release from custody of the sex offender, if, or if the sex offender is not in custody, immediately after the sentencing of the sex offender, for the offense giving rise to the duty to register—

(1) inform the sex offender of the duty to register and explain that duty;

(2) require the sex offender to read and sign a form stating that the duty to register has been explained and that the sex offender understands the registration requirement; and

(3) ensure that the sex offender is registered.

SEC. 118. JESSICA LUNSFORD ADDRESS VERIFICATION PROGRAM.

(a) ESTABLISHMENT.—There is established the Jessica Lunsford Address Verification Program (hereinafter in this section referred to as the “Program”).

(b) VERIFICATION.—In the Program, an appropriate official shall verify the residence of each registered sex offender not less than—

(1) semi-annually, if the offender is a tier I sex offender;

(2) quarterly, if the offender is a tier II sex offender; and

(3) monthly, if the offender is a tier III sex offender.

(c) USE OF Mailed FORM AUTHORIZED.—Such verification may be achieved by mailing a nonforwardable verification form to the last known address of the sex offender. The sex offender must return the form, including a notarized signature or a fingerprint verification, within a set period of time. A failure to return the form as required may be a failure to register for the purposes of this title.

SEC. 119. NATIONAL SEX OFFENDER REGISTRY.

(a) INTERNET. — The Attorney General shall maintain a national database at the Federal Bureau of Investigation for each sex offender and other person required to register in a jurisdiction’s sex offender registry. The database shall be known as the National Sex Offender Registry.

(b) ELECTRONIC FORWARDING.—The Attorney General shall ensure (through the National Sex Offender Registry or otherwise) that updated information about a sex offender is immediately transmitted by electronic forwarding to all relevant jurisdictions.

SEC. 120. DRU SJODIN NATIONAL SEX OFFENDER PUBLIC WEBSITE.

(a) ESTABLISHMENT.—There is established the Dru Sjodin National Sex Offender Public Website (hereinafter referred to as the “Website”).

(b) INFORMATION TO BE PROVIDED.—The Attorney General shall maintain the Website as a site on the Internet which allows the public to obtain relevant information for each sex offender by a single query in a form established by the Attorney General.

SEC. 121. PUBLIC ACCESS TO SEX OFFENDER INFORMATION THROUGH THE INTERNET.

(a) IN GENERAL.—Except as provided in subsection (b), each jurisdiction shall make available on the Internet all information about each sex offender in the registry, except for the offender’s Social Security number, the identity of any victim, and any other information exempted from disclosure by the Attorney General. The jurisdiction shall provide this information in a manner that is readily accessible to the public.

(b) EXCEPTION.—To the extent authorized by the Attorney General, a jurisdiction need not make available on the Internet information about a Tier I sex offender whose offense is a juvenile adjudication.

SEC. 122. MEGAN NICOLE KANKA AND ALEXANDRA NICOLE ZAPP COMMUNITY NOTIFICATION PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—There is established the Megan Nicole Kanka and Alexandria Nicole Zapp Community Notification Program (hereinafter in this section referred to as the “Program”).

(b) PROGRAM NOTIFICATION.—Except as provided in subsection (c), not later than 5 days after a sex offender registers or updates a registration, an appropriate official in the jurisdiction shall provide the information in the registry (other than information exempted from disclosure by the Attorney General) about that offender to the following:

(1) The Attorney General;

(2) The Governor of each State;

(3) The Attorney General of each political subdivision of the jurisdiction; and

(4) Each appropriate official of the political subdivisions of the jurisdiction.

Each appropriate official of the political subdivisions of the jurisdiction shall provide the information in the National Sex Offender Registry or other appropriate data bases to—

(1) Appropriate law enforcement agencies (including probation agencies, if appropriate), and each school and public housing agency, in each area in which the individual resides, works, or attends school, and each jurisdiction from or to which a change of residence, work, or student status occurs.

(2) Any agency responsible for conducting employment-related background checks under section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5118a).

(3) Social service entities responsible for protecting minors in the child welfare system.

(4) Voluntary organizations in which contact with minors or other vulnerable individuals might occur.

(5) The community at large.

(b) PROGRAM NOTIFICATION.—To the extent authorized by the Attorney General, a jurisdiction need not make available on the Internet the information about a Tier I sex offender whose offense is a juvenile adjudication, the Attorney General may authorize limitations to the extent that the information in the Program notification is given when the Attorney General determines it is consistent with public safety to do so.

SEC. 123. ACTIONS TO BE TAKEN WHEN SEX OFFENDER FAILS TO COMPLY.

An appropriate official shall notify the Attorney General and appropriate State, local, and tribal law enforcement agencies of any failure by a sex offender to comply with the requirements of a registry. The appropriate official, the Attorney General, and each such law enforcement agency shall take appropriate action to ensure compliance.

SEC. 124. IMMUNITY FOR GOOD FAITH CONDUCT.

The Federal Government, jurisdictions, political subdivisions or jurisdictions, and their agencies, officers, employees, and agents shall be immune from liability for good faith conduct under this title.

SEC. 125. DEVELOPMENT AND AVAILABILITY OF REGISTRY MANAGEMENT SOFTWARE.

The Attorney General shall develop and support the implementation and support of software for maintaining, publishing, and sharing sex offender registries.
SEC. 126. FEDERAL DUTY WHEN STATE PROGRAMS NOT MINIMALLY SUFFICIENT.

If the Attorney General determines that a jurisdiction does not have a minimally sufficient sex offender registration program, the Department of Justice shall, to the extent practicable, carry out the duties imposed on that jurisdiction by this title.

SEC. 127. PERIOD FOR IMPLEMENTATION BY JURISDICTIONS.

Each jurisdiction shall implement this title not later than 2 years after the date of the enactment of this Act. However, the Attorney General may authorize up to two-year extensions of this implementation time, to jurisdictions to demonstrate the extent to which electronic monitoring devices can be used effectively in a sex offender management program.

SEC. 128. FAILURE TO COMPLY.

(a) In General.—For any fiscal year after the end of the period for implementation, a jurisdiction that fails, as determined by the Attorney General, substantially to implement this title shall not receive 10 percent of the amounts allocated to that jurisdiction to be used solely for the purpose of implementing this title under section 101(b)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3570 et seq.).

(b) REALLOCATION.—Amounts not allocated under paragraph (a) to jurisdictions that have failed to fully implement this title shall be reallocated under a program referred to in paragraph (1) for fiscal years beginning after that determination. The Attorney General shall consider the following factors:

(1) The total number of sex offenders in the jurisdiction.

(2) The percentage of those sex offenders who fail to comply with registration requirements.

(3) The threat to public safety posed by those sex offenders who fail to comply with registration requirements.

(4) Any other factor the Attorney General considers appropriate.

(c) BONUS PAYMENTS.—The Attorney General shall carry out the demonstration project for fiscal years 2008 and 2009, and make payments under this section or under section 101(b)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3570 et seq.).

SEC. 129. SEX OFFENDER MANAGEMENT ASSISTANCE (SOMA) PROGRAM.

(a) In General.—The Attorney General shall establish and implement a Sex Offender Management Assistance program (in this title referred to as the “SOMA program”) under which the Attorney General may award a grant to a jurisdiction to offset the costs of implementing this title.

(b) APPLICATION.—The chief executive of a jurisdiction with an annual budget not less than $100,000 shall submit to the Attorney General an application in such form and containing such information as the Attorney General may require.

(c) AUTHORIZATION OF APPROPRIATIONS.—A jurisdiction that, as determined by the Attorney General, has substantially implemented this title not later than 2 years after the date of enactment of this Act, is eligible for a bonus payment. The Attorney General may make such a payment under the SOMA program for the first fiscal year beginning after that determination.

SEC. 130. DESIGNATION PROJECT FOR USE OF ELECTRONIC MONITORING DEVICES.

(a) PROJECT REQUIRED.—The Attorney General shall carry out a demonstration project under which the Attorney General shall make grants to jurisdictions to demonstrate the extent to which electronic monitoring devices can be used effectively in a sex offender management program.

(b) USE OF FUNDS.—The Attorney General may use grant amounts under this section directed to local government or private entities, to carry out programs under which the whereabouts of sex offenders are monitored by electronic monitoring devices.

(c) PARTICIPANTS.—Not more than 10 jurisdictions may participate in the demonstration project at any one time.

(d) FACTORS.—In selecting jurisdictions to participate in the demonstration project, the Attorney General shall consider the following factors:

(1) The total number of sex offenders in the jurisdiction.

(2) The percentage of those sex offenders who fail to comply with registration requirements.

(3) The threat to public safety posed by those sex offenders who fail to comply with registration requirements.

(4) Any other factor the Attorney General considers appropriate.

(c) BONUS PAYMENTS.—The bonus payment referred to in subsection (a) is a payment of at least 10 percent of the amounts not otherwise allocated for that fiscal year to the jurisdiction under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3570 et seq.).

SEC. 132. ACCESS TO NATIONAL CRIME INFORMATION DATABASES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Attorney General shall ensure access to the national crime information databases (as defined in section 534 of title 28, United States Code) by—

(1) the National Center for Missing and Exploited Children, to be used exclusively for the investigation, prosecution, or reporting of activities, to the extent necessary to carry out the CyberTipline responsibilities and functions of the National Center for Missing and Exploited Children, including, training, certification, and background screening;

(2) governmental social service agencies with child protection responsibilities, to be used only in investigating or responding to reports of child abuse, neglect, or exploitation;

(3) other governmental agencies with child protection responsibilities, to be used only in investigating or responding to reports of child abuse, neglect, or exploitation;

(b) CONDITIONS OF ACCESS.—The access provided under this section, and associated rules of administration, shall be—

(1) defined by the Attorney General; and

(2) limited to personnel of the Center or such agencies that have met all requirements established by the Attorney General, including training, certification, and background screening.

SEC. 133. LIMITED IMMUNITY FOR NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN WITH RESPECT TO CYBERTIPLINE.

Section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) is amended by adding at the end the following new subsection:

“(g) LIMITATION ON LIABILITY.—

“(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the National Center for Missing and Exploited Children, or any of its directors, officers, employees, or agents, is not liable in any civil or criminal action arising from the performance of its CyberTipline responsibilities and functions as defined by this section.

“(2) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—Paragraph (1) does not apply in an action in which a party proves that the National Center for Missing and Exploited Children, or its officer, employee, or agent as the case may be, was, in intentional misconduct or acted, with actual malice, with reckless disregard to a substantial risk of causing injury without legal justification, or for a purpose unrelated to the performance of responsibilities or functions under this section.

“(3) ORDINARY BUSINESS ACTIVITIES.—Paragraph (1) does not apply to an act or omission committed in the ordinary course of the National Center for Missing and Exploited Children’s activities, such as an activity involving general administration or operations, the use of motor vehicles, or personnel management.”

SEC. 134. TREATMENT AND MANAGEMENT OF SEX OFFENDERS IN THE BUREAU OF PRISONS.

Section 362 of title 18, United States Code, is amended by adding at the end the following new subsection:
The Bureau of Prisons shall make available appropriate treatment for each fiscal year. There are authorized to be appropriated to the Bureau of Prisons for each fiscal year to establish residential sex offender treatment programs to provide appropriate treatment, monitoring, and supervision of sex offenders and to provide aftercare during pre-release custody.

SEC. 137. ELECTION BY INDIAN TRIBES.

(a) ELECTION.—

(1) IN GENERAL.—A federally recognized Indian tribe may, by resolution of the tribal council or comparable governmental body, elect to carry out this subtitle as a jurisdiction under this title.

(2) IMPEDED ELECTION IN CERTAIN CASES.—A tribe shall be treated as if it had made an election under paragraph (1) if—

(A) it is a tribe subject to the laws of the United States under section 251 of title 18, United States Code, if the tribe determines to carry out such a jurisdiction or jurisdictional requirements for the tribe to carry out the requirements of this subtitle and the tribe is located and to provide access to its territory and such other cooperation and assistance as may be needed to ensure such jurisdiction or jurisdictions to carry out and enforce the requirements of this subtitle.

(b) COOPERATION BETWEEN TRIBAL AUTHORITIES AND OTHER JURISDICTIONS. —

(1) NONDUPLEXION.—A tribe subject to this subtitle may not duplicate functions under this subtitle which are fully carried out by another jurisdiction or jurisdictions within which the territory of the tribe is located.

(2) COOPERATIVE AGREEMENTS.—A tribe may, through cooperative agreements, carry out any functions under this subtitle with respect to sex offenders subject to the tribe’s jurisdiction and with respect to sex offenders subject to the jurisdiction of other tribes or jurisdictions if the tribe determines necessary to evaluate the public in identifying the most dangerous sex offenders.

(c) the methods and assessment tools available to assess the risks posed by sex offenders.

(C) any other information the Attorney General determines necessary to evaluate risk-based sex offender classification systems.

It is to be noted that the Attorney General shall establish the Tribal Registry System for Sex Offenders, which shall include provisions for the registration and monitoring of sex offenders residing in the United States. The system shall be designed to provide a uniform method of monitoring and assessing the risk posed by sex offenders, and to facilitate the enforcement of the federal law.

SEC. 138. REGISTRATION OF PRISONERS RELEASED FROM FOREIGN IMPRISONMENT.

The Attorney General, in consultation with the Secretary of State and the Secretary of Homeland Security, shall establish and maintain a system for informing the relevant jurisdiction about persons entering the United States who are required to register under this Act.

SEC. 139. SEX OFFENDER RISK CLASSIFICATION STUDY.

(a) STUDY.—The Attorney General shall conduct a study of risk-based sex offender classification systems, which shall include an analysis of—

(1) various risk-based sex offender classification systems;

(2) the methods and assessment tools available to assess the risks posed by sex offenders;

(3) the efficiency and effectiveness of risk-based sex offender classification systems, in comparison to offense-based sex offender classification systems; and

(4) reducing threats to public safety posed by sex offenders; and

(b) assisting law enforcement agencies and the public in identifying the most dangerous sex offenders.

(c) the methods and assessment tools available to assess the risks posed by sex offenders;

(d) the efficiency and effectiveness of risk-based sex offender classification systems, in comparison to offense-based sex offender classification systems; and

(e) reducing threats to public safety posed by sex offenders; and
and knowingly fails to register as required shall be fined under this title or imprisoned not more than 20 years, or both’.

(b) CHERULICAL AMENDMENT. — The title of chapter 109A of title 18, United States Code, is amended by inserting after the item relating to chapter 109A the following new item:

‘‘109B. Sex offender and crimes against children registry .............. 2250’’.

(c) FALSE STATEMENT OFFENSE. — Section 1001(a) of title 18, United States Code, is amended by adding at the end the following: ‘‘If the defendant is an offender under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall not be more than 10 years.’’

(d) PROBATION. — Paragraph (8) of section 3563(a) of title 18, United States Code, is amended to read as follows: ‘‘(8) for a person required to register under the Sex Offender Registration and Notification Act, that the person comply with the requirements of that Act; and’’

(e) SUPERVISED RELEASE. — Section 3623 of title 18, United States Code, is amended—

(1) in subsection (d), in the sentence beginning with ‘‘The court shall order, as an ex- plicit condition for supervised release . . .’’, strike ‘‘any person described in section 4042(c)(4)’’ and all that follows the end of the sentence and insert ‘‘the Sex Offender Registration and Noti- fication Act that the person comply with the requirements of that Act.’’

(2) in subsection (k),—

(A) by striking ‘‘224A(a)(1), 224A(a)(2)’’ and inserting ‘‘224A, 224A(a), 224G, 2250’’;

(B) by inserting ‘‘not less than 5, after ‘‘any’’ or ‘‘therein’’; and

(C) by adding at the end the following: ‘‘If a defendant required to register under the Sex Offender Registration and Notification Act violates the requirements of that Act or commits any criminal offense for which imprisonment for a term longer than one year can be imposed, the court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment under subsection (e)(3) without regard to the exception contained therein. Such term shall be no longer than 10 years, and if the offense was an offense under chapter 109A, 109B, 110, or 117, or section 1591, not less than 10 years.’’

(f) DUTIES OF BUREAU OF PRISONS. — Paragraph (3) of section 4042(c) of title 18, United States Code, is amended to read as follows: ‘‘(3) The Director of the Bureau of Prisons shall inform a person who is released from prison and required to register under the Sex Offender Registration and Notification Act about the requirements of that Act as they apply to that person and the same information shall be provided to a person sentenced to probation by the probation officer responsible for that person.’’

(g) CONFORMING AMENDMENTS TO CROSS REFERENCES. — Paragraphs (1) and (2) of section 4042(c) of title 18, United States Code, are reenumbered by striking ‘‘(4)’’ each place it appears and inserting ‘‘(3)’’.

(h) CONFORMING REPEAL OF DEADWOOD. — Paragraph (4) of section 4042(c) of title 18, United States Code, is amended by striking.

(i) MILITARY OFFENSES. —

(1) Section 115a(a)(8)(C)(I) of Public Law 105–119 (111 Stat. 2466) is amended by striking ‘‘which and all that follows through ‘‘and (B)’’ and inserting ‘‘which are sex offenses as that term is defined in the Sex Offender Registration and Notification Act.’’

(2) Section 115a(a)(8)(C)(III) of Public Law 105–119 (111 Stat. 2466; 10 U.S.C. 951 note) is amended by striking ‘‘the amendments made under subparagraphs (A) and (B)’’ and inserting ‘‘the Sex Offender Registration and Notification Act.’’

SEC. 155. FEDERAL INVESTIGATION OF SEX OFFENDER VIOLATIONS OF REGISTRATION AND NOTIFICATION REQUIREMENTS.

(a) IN GENERAL. — The Attorney General shall assist jurisdictions in locating and apprehending sex offenders who violate sex offender registration requirements.

(b) AUTHORIZATION OF APPROPRIATIONS. — There are authorized to be appropriated such sums as may be necessary for fiscal years 2006 through 2008 to implement this section.

SEC. 156. SEX OFFENDER APPREHENSION GRANTS.

Title I of the Omnibus Crime Control and Safe Streets Act of 1969 is amended by adding at the end the following:

‘‘PART JJ—SEX OFFENDER APPREHENSION GRANTS’’

‘‘SEC. 301. AUTHORITY TO MAKE SEX OFFENDER APPREHENSION GRANTS.

(a) IN GENERAL. — The Attorney General shall make grants to States, units of local government, Indian tribal government, other public and private entities, and multi-jurisdictional or regional consortia for activities specified in subsection (b).

(b) COVERED ACTIVITIES. — An activity referred to in subsection (a) is any program, project, or other activity to assist a State in enforcing sex offender registration requirements.

SEC. 302. AUTHORIZATION OF APPROPRIATIONS.

‘‘There are authorized to be appropriated such sums as may be necessary for fiscal years 2006 through 2008 to carry out this part.’’

SEC. 154. USE OF ANY CONTROLLED SUBSTANCE OR FIREARM IN THE COMMISSION OR ATTEMPT OF A SEX OFFENSE, PROHIBITION ON INTERNET SALES OF DATE RAPE DRUGS.

(a) INCREASE IN PENalties.—Chapter 109A of title 18, United States Code, is amended by adding at the end the following:

‘‘§ 2249. Use of any controlled substance to fa- cilitate sex offense

(1) Whoever knowingly uses a controlled substance to substantially impair the ability of a person to appraise or control conduct, in order to commit a sex offense, other than an offense where such use is an element of the offense, shall, in addition to the punishment provided for the sex offense, be imprisoned for any term of years not more than 10 years.

(2) As used in this section, the term ‘‘sex offense’’ means any sex offense defined by this chapter other than an offense under this section.

§ 2250. Internet sales of date rape drugs

(1) Whoever knowingly uses the Internet to distribute (as that term is defined for the purpose of the Controlled Substances Act) a date rape drug to any person shall be fined under this title or imprisoned not more than 20 years, or both.

(2) As used in this section, the term ‘‘date rape drug’’ means gamma hydroxybutyric acid, ketamine, or flunitrazepam, or any analogue of such a substance, including gamma-butyrolactone.

(b) AMENDMENT TO TABLE OF SECTIONS.—

The table of sections at the beginning of chapter 109A of title 18, United States Code, is amended by adding at the end the following new item:

‘‘2299. Use of any controlled substance to fa- cilitate sex offense

2250. Internet sales of date rape drugs’’

SEC. 155. REPEAL OF PREVIOUS SEX OFFENDER PROGRAM.


SEC. 156. ASSISTANCE FOR PROSECUTION OF CASES WHICH INVOLVE USE OF DNA BACKLOG CLEARANCE FUNDS.

(a) IN GENERAL.—The Attorney General may make grants to train and employ personnel to help prosecute cases cleared through use of funds provided for DNA backlog elimination.

(b) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary for the fiscal years 2006 through 2010 to carry out this section.

SEC. 157. GRANTS TO COMBAT SEXUAL ABUSE OF CHILDREN.

(a) IN GENERAL.—The Bureau of Justice As- sessment shall make grants to law enforce- ment agencies for purposes of public safety. The Bureau shall make such a grant—

(1) to each law enforcement agency that serves a jurisdiction with 50,000 or more resi- dents and

(2) to each law enforcement agency that serves a jurisdiction with fewer than 50,000 residents, upon a showing of need.

(b) USE OF GRANT AMOUNTS.—Grants under this section may be used by the law enforce- ment agency to—

(1) hire additional law enforcement person- nel to train existing law enforcement personnel to combat the sexual abuse of children through community education and outreach, investigation of complaints, enforcement of laws relating to sex offender registries, and management of released sex offenders; and

(2) investigate the use of the Internet to fa- cilitate the sexual abuse of children; and

(c) PURCHASE OF COMPUTER HARDWARE AND SOFTWARE.—Grants under this section may be used to purchase computer hardware and software necessary to investigate sexual abuse of children over the Internet, access local, State, and Federal databases needed to ap- propriately locate sex offenders, and to cre- ate and enforce sex offender regis- teries.

SEC. 158. EXPANSION OF TRAINING AND TECH- NOLOGY EFFORTS.

(a) TRAINING.—The Attorney General, in consultation with the Office of Juvenile Justice and Delinquency Prevention, shall—

(1) expand training efforts with Federal, State, and local law enforcement officers and prosecutors to effectively respond to the problems associated with the use of low- technology for the purpose of exploiting children;

(2) host national conferences to train Fed- eral, State, and local law enforcement of- ficers, probation and parole officers, and pros- ecutors regarding proactive approaches to monitoring sex offender activity on the Internet;

(3) develop and distribute, for personnel listed in paragraph (3), information regarding multi-disciplinary approaches to holding
offenders accountable to the terms of their probation, parole, and sex offender registration laws; and
(5) partner with other agencies to improve the effectiveness of joint investigations among agencies to effectively combat on-line solicitation of children by sex offenders.

(b) Technology.—The Attorney General, in consultation with the Office of Juvenile Justice and Delinquency Prevention, shall—
(1) deploy, to all Internet Crimes Against Children Task Forces and their partner agencies, the technology modeled after the Canadian Child Exploitation Tracking System; and
(2) conduct training in the use of that technology.

(6) REPORT.—Not later than July 1, 2006, the Attorney General, in consultation with the Office of Juvenile Justice and Delinquency Prevention, shall submit to Congress a report on the activities carried out under this section. The report shall include any recommendations that the Attorney General, in consultation with the Office, considers appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General, for fiscal year 2006—
(1) $1,000,000 to carry out subsection (a); and
(2) $2,000,000 to carry out subsection (b).

SEC. 159. REVOCATION OF PROBATION OR SUPERVISED RELEASE.

(a) PROBATION.—Section 3565(b) of title 18, United States Code, is amended—
(1) in paragraph (3) by striking ‘‘or’’ at the end; and
(2) by inserting after paragraph (4) the following:
‘‘(5) commits a felony crime of violence, or an offense that consists of or is intended to facilitate unlawful sexual contact (as defined in section 2246) with, a person who has not attained the age of 18 years;’’;
(b) SUPERVISED RELEASE.—Section 3583(c)(g) of title 18, United States Code, is amended—
(1) in paragraph (3) by striking ‘‘or’’ at the end; and
(2) by inserting after paragraph (4) the following:
‘‘(5) commits a felony crime of violence, or an offense that consists of or is intended to facilitate unlawful sexual contact (as defined in section 2246) with, a person who has not attained the age of 18 years;’’;

Subtitle C—Office on Sexual Violence and Crimes Against Children

SEC. 161. ESTABLISHMENT.

There is established within the Department of Justice, under the general authority of the Attorney General, an Office on Sexual Violence and Crimes Against Children (hereinafter in this subtitle referred to as the ‘‘Office’’).

SEC. 162. DIRECTOR.

The Office shall be headed by a Director who shall be appointed by the President. The Director shall report to the Attorney General through the Assistant Attorney General for the Office of Justice Programs and shall have final authority for all grants, cooperative agreements, and contracts awarded by the Office. The Director shall not engage in any employment other than that of serving as the Director, nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Office makes any contract or other arrangement.

SEC. 163. DUTIES AND FUNCTIONS.

The Office is authorized to—
(1) establish and implement standards for sex offender registration and notification programs set forth in this title;
(1) AGGRAVATED SEXUAL ABUSE OF CHILDREN.—Section 2241(c) of title 18, United States Code, is amended by striking “imprisoned for not less than 30 years or for life.”.

(2) ABUSIVE SEXUAL CONTACT WITH CHILDREN.—Section 2244 of chapter 109A of title 18, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1), by inserting “subsection (a) or (b) of” before “subsection (a)”; and

(ii) by striking “or” at the end of paragraph (3);

(iii) by striking the period at the end of paragraph (3) and inserting “or”; and

(iv) by inserting after paragraph (4) the following:

“(5) subsection (c) of section 2241 of this title that sexual contact involving a child on whose behalf such child pornography resulted in a conviction for a violation of section 2251(c) or section 2251A, or attempts or conspires to do so, shall be subject to the penalties provided in subsection (e) of section 2251 for that violation. The penalties provided for such a violation by a person with a prior conviction or convictions as described in that subsection, during the term of years or for life.

(2) A person who violates subsection (b), or attempts or conspires to do so, shall be subject to the penalties provided in subsection (2) of section 2252.

(c) MANDATORY LIFE IMPRISONMENT FOR CERTAIN REPEATED SEX OFFENSES AGAINST CHILDREN.—Section 3592(c)(1) of title 18, United States Code, is amended by striking “(sexual abuse resulting in death)”.

(2) a CTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF CHILDREN.—

(A) Section 2251(d) of title 18, United States Code, is amended by striking “(ii) by entering paragraph (4) the following:

“(5) subsection (c) of section 2241 of this title that sexual contact involving a child on whose behalf such child pornography resulted in a conviction for a violation of section 2251(c) or section 2251A, or attempts or conspires to do so, shall be subject to the penalties provided in subsection (e) of section 2251 for that violation. The penalties provided for such a violation by a person with a prior conviction or convictions as described in that subsection, during the term of years or for life.”;

and

(B) in subsection (b), by inserting “other than subsection (a)(5)” after “violates this section.”

(3) SEXUAL ABUSE OF CHILDREN RESULTING IN DEATH.—Section 3592(c)(2) of title 18, United States Code, is amended—

(A) by inserting “; chapter 110, chapter 117, or section 1991 after this chapter”;

(B) by striking “. A person who” and inserting “. A person who, in the course of an offense under this chapter, chapter 110, chapter 117, or section 1991 engages in conduct that results in the death of a person who has not attained the age of 12 years, shall be punished by death or imprisonment for not less than 30 years or for life”;

(4) STATE PENALTY FOR AGGRAVATING FACTOR.—

Section 3592(c)(1) of title 18, United States Code, is amended by inserting “subsection 2245 (sexual abuse resulting in death),” after “(wrecking train);”.

(5) SEXUAL EXPLOITATION AND OTHER ABUSE OF CHILDREN.—

(A) Section 2254(e) of title 18, United States Code, is amended—

(A) by inserting “; chapter 110, chapter 117”;

(B) by striking “. A person who” and inserting “. A person who, in the course of an offense under this chapter, chapter 110, chapter 117 or section 1991 engages in conduct that results in the death of a person who has not attained the age of 12 years, shall be punished by death or imprisonment for not less than 30 years or for life”;

(6) ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF CHILDREN.—

Section 2255(b) of title 18, United States Code, is amended in paragraph (1)—

(A) by inserting paragraphs (1) and inserting “paragraph (1);”;

(B) by inserting “section 1991, after this chapter”; and

(C) by inserting “, or sex trafficking of children” after “pornography”,

(3) ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORN- GRAPHY.—Section 2256 of title 18, United States Code, is amended in paragraph (1)—

(A) by inserting “section 1991, after this chapter,”; and

(B) by inserting “, or sex trafficking of children” after “pornography”,

(4) USING MISLEADING DOMAIN NAMES TO DISTRICT CHILDREN TO HARMFUL MATERIAL ON THE INTERNET.—Section 2257(w) of title 18, United States Code, is amended by striking “and inserting “4” and inserting “20.”

(5) EXTRANATIONAL CHILD PORNOGRAHY OFFENSES.—Section 2256 of title 18, United States Code, is amended to read as follows—

“(c) PENALTIES.—

(1) A person who violates subsection (a), or attempts or conspires to do so, may be punished for such an offense by a term of not less than 30 years or for life.

(2) A person who violates subsection (b), or attempts or conspires to do so, shall be subject to the penalties provided in subsection (c) of section 2251 for a violation of that section, during the term of years or for life.

(3) The Department of Justice should ap-
“(iii) have in place safeguards to prevent the unauthorized disclosure of information in any child abuse and neglect registry maintained by the State, and to prevent any such information from being used, made public, or the paragraph from being used for a purpose other than the conducting of background checks in foster or adoptive placement cases; (a)

(2) SUSPENSION OF OPT-OUT.—Section 471(a)(20)(B) of such Act (42 U.S.C. 671(a)(20)(B)) is amended—

(A) in paragraph (2), on or before September 30, 2006,” after “plan if”; and

(B) by inserting “, on or before such date,” after “IF”.

(b) ELIMINATION OF OPT-OUT.—Section 471(a)(20) of such Act (42 U.S.C. 671(a)(20)), as amended by subsection (a) of this section, is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by striking “unless an election provided for in subparagraph (B) is made with respect to the State,”; and

(2) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B).

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on October 1, 2006, and shall apply with respect to payments under part B or part E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments were promulgated by such date.

(2) ELIMINATION OF OPT-OUT.—The amendments made by subsection (b) shall take effect on October 1, 2006, and shall apply with respect to payments under part B or part E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(3) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under section 471 of the Social Security Act to meet the additional requirements imposed by the amendments made by a subsection of this section, the plan shall not be regarded as failing to meet the additional requirements before the first day of the first calendar quarter beginning after the first regular session of the State legislature that begins after the applicable effective date of the amendments. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

SEC. 502. ACCESS TO FEDERAL CRIME INFORMATION DATABASES FOR CERTAIN PURPOSES.

(a) IN GENERAL.—The Attorney General of the United States shall, upon request of the chief executive officer of a State, conduct a background check required under section 471(a)(20) of the Social Security Act on individuals under consideration as prospective foster or adoptive parents; or

(b) an investigation relating to an incident of abuse, neglect, or exploitation of a minor; or

(2) a private elementary or secondary school, a local educational agency, or State educational agency in that State, on individuals under consideration for employment by, or volunteering for the school or agency in a position in which the individual would work with or among children.

(b) FINGERPRINT-BASED CHECK.—Where possible, the check shall include a fingerprint-based check of State criminal history databases.

(c) FEES.—The Attorney General and the States may charge any applicable fees for the checks.

(d) PROTECTION OF INFORMATION.—An individual having information derived as a result of a check under subsection (a) may release that information only to appropriate officers of child welfare agencies, private elementary or secondary schools, or educational agencies or others authorized by law to receive that information.

(e) CRIMINAL PENALTIES.—An individual who knowingly exceeds the authority in subsection (d), shall be imprisoned not more than 10 years or fined under title 18, United States Code, or both.

(f) TECHNICAL CORRECTION.—Section 504 of title 18, United States Code, is amended by redesignating the subsection (f) as subsection (g).
SEC. 509. ABUSE AND NEGLECT OF INDIAN CHILDREN.

Section 1534 of title 18, United States Code, is amended by inserting “felony child abuse or neglect,” after “years,”.

SEC. 510. JIMMY RYCE CIVIL COMMITMENT PROGRAM.

Chapter 313 of title 18, United States Code, is amended—

(1) in the chapter analysis—

(A) in the item relating to section 4241, by inserting “or to undergo postrelease proceedings” after “trial”;

(B) by inserting at the end the following:

“§ 4248. Civil commitment of a sexually dangerous person;

(1) in section 4241—

(A) in the heading, by inserting “OR TO UNDERGO POSTRELEASE PROCEEDINGS” after “TRIAL”;

(B) in the first sentence of subsection (a), by inserting “or at any time after the commencement of probation or supervised release, or at any time after the conviction of the section after “defendant,”; and

(C) in subsection (d)—

(i) by striking “section 4246” and inserting “sections 4246 and 4248”;

(ii) by inserting “section 4246” after “trial” and; and

(iii) by striking “section 4246” and inserting “section 4247” at the end;

(ii) in paragraph (2), by striking “and” at the end;

(iii) in paragraph (3), by striking the period at the end and inserting a semicolon and; and

(iv) by inserting at the end the following:

“(4) ‘bodily injury’ includes sexual abuse;”;

“(5) ‘sexually dangerous person’ means a person who has engaged or attempted to engage in sexually violent conduct or child molestation and who is sexually dangerous to others; and”;

“(6) ‘sexually dangerous to others’ means that a person suffers from a serious mental illness in which his or her dangerousness or disorder as a result of which he would have serious difficulty in refraining from sexually violent conduct or child molestation unless he or she is given treatment;”;

“(D) by striking “section 4245 or 4246” and inserting “section 4245, 4246, or 4248”;

(E) in subsection (c)(4)—

(i) by redesignating subparagraphs (D) and (E) as subparagraphs (A) and (F) respectively; and

(ii) by inserting after subparagraph (C) the following:

“(F) in subsections (e) and (h)—

(i) by striking “hospitalized” each place it appears and inserting “committed”; and

(ii) by striking “hospitalization” each place it appears and inserting “commitment”; and

(d) by inserting at the end the following:

“§ 4248. Civil commitment of a sexually dangerous person;

(1) the person is in conditions of medical, psychiatric, or psychological care or treatment.

(b) GRANTS AUTHORIZED.—Except as provided in subsection (b), the Attorney General shall make grants to jurisdictions for the purpose of establishing, enhancing, or operating effective civil commitment programs for sexually dangerous persons.

(b) LIMITATION.—The Attorney General shall not make any grant under this section for the purpose of establishing, enhancing, or operating any transitional housing for a sexually dangerous person in or near a location in which a person is hospitalized or placed pursuant to subsection (d) determines that the person’s condition is such that he is no longer sexually dangerous to others, or will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment; or

whichever is earlier.

(e) DISCHARGE.—When the Director of the facility on the ground that he is sexually dangerous in or near a location in which a person is hospitalized or placed pursuant to subsection (d) determines that the person’s condition is such that he is no longer sexually dangerous to others, or will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment, he shall promptly file a certificate to that effect with the court that ordered the commitment. The clerk shall send a copy of the certificate to the person, and to the attorney for the Government, and, if the person was committed pursuant to section 4241(d), to the clerk of the court that ordered the commitment. The court shall order that he be immediately discharged; or

(2) he will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment, the court shall—

(‘A) order that he be immediately discharged under a prescribed regimen of medical, psychiatric, or psychological care or treatment that has been prepared for him, that has been certified to the court as appropriate by the Director of the facility in which he is committed, and that has been found by the court to be appropriate; and

(B) order, as an explicit condition of release, that he comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment.

The court at any time may, after a hearing employing the same criteria, modify or eliminate the regimen of medical, psychiatric, or psychological care or treatment.

(f) REVOCATION OF CONDITIONAL DISCHARGE.—The director of a facility responsible for administering a regimen imposed on a person conditionally discharged under subsection (e) shall notify the Attorney General and the court having jurisdiction over the person of any failure of the person to comply with the conditions of the regimen. Upon such notice, or upon other probable cause to believe that the person has failed to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment, the person may be arrested, and, upon arrest, shall be taken without unnecessary delay before the court having jurisdiction over him. The court shall, after a hearing, determine whether the person should be remanded to a suitable facility on the ground that he is sexually dangerous to others in light of his failure to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment.

(g) INSTITUTION OF PROCEEDINGS FOR CERTAIN OTHER PERSONS.—If the director of the facility in which a person is hospitalized or placed pursuant to this chapter certifies to the Attorney General that the person is no longer sexually dangerous to others, and the Attorney General finds that the person is no longer sexually dangerous to others, the Attorney General shall order that he be immediately discharged.

(h) RELEASE TO STATE OF CERTAIN OTHER PERSONS.—If the director of the facility in which a person is hospitalized or placed pursuant to this chapter certifies to the Attorney General that the person is no longer sexually dangerous to others, and the Attorney General finds that the person is no longer sexually dangerous to others, the Attorney General shall order that he be immediately discharged.

(i) DETERMINATION AND DISPOSITION. —If, after the hearing, the court finds by clear and convincing evidence that the person is a sexually dangerous person, and that has been certified to the court as appropriate by the Director of the facility in which he is committed, and that has been found by the court to be appropriate; and

(j) ORDER TO REMAIN IN FACILITY.—If the court finds by clear and convincing evidence that the person is a sexually dangerous person, the Attorney General shall order that he be immediately discharged.

(k) APPEAL.—An appeal from the order of the court shall be taken to the appropriate official of the State in which the person is domiciled or was tried for the purpose of instituting State proceedings for civil commitment. If neither such State will assume such responsibility, the Attorney General shall notify the appropriate official of the State in which the person is domiciled or was tried for the purpose of instituting State proceedings for civil commitment. If neither such State will assume such responsibility, the Attorney General shall notify the appropriate official of the State in which the person is domiciled or was tried for the purpose of instituting State proceedings for civil commitment.

(l) DETERMINATION OF PERSON’S CONDITION.—If the court determines that the person is a sexually dangerous person, and that has been certified to the court as appropriate by the Director of the facility in which he is committed, and that has been found by the court to be appropriate; and

(m) ORDER TO REMAIN IN FACILITY.—If the court finds by clear and convincing evidence that the person is a sexually dangerous person, the Attorney General shall order that he be immediately discharged.

(n) APPEAL.—An appeal from the order of the court shall be taken to the appropriate official of the State in which the person is domiciled or was tried for the purpose of instituting State proceedings for civil commitment. If neither such State will assume such responsibility, the Attorney General shall notify the appropriate official of the State in which the person is domiciled or was tried for the purpose of instituting State proceedings for civil commitment.

(o) DETERMINATION OF PERSON’S CONDITION.—If the court determines that the person is a sexually dangerous person, and that has been certified to the court as appropriate by the Director of the facility in which he is committed, and that has been found by the court to be appropriate; and

(p) ORDER TO REMAIN IN FACILITY.—If the court finds by clear and convincing evidence that the person is a sexually dangerous person, the Attorney General shall order that he be immediately discharged.

(q) APPEAL.—An appeal from the order of the court shall be taken to the appropriate official of the State in which the person is domiciled or was tried for the purpose of instituting State proceedings for civil commitment. If neither such State will assume such responsibility, the Attorney General shall notify the appropriate official of the State in which the person is domiciled or was tried for the purpose of instituting State proceedings for civil commitment.
General

following new item:

TITLE VI—CHILD PORNOGRAPHY PREVENTION

SEC. 601. FINDINGS.

Congress makes the following findings:

(1) The interstate production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the interstate transfer of custody of children for the production of child pornography, will cause an individual to engage in such intrastate activities to cease all such activities, thereby reducing both supply and demand in the interstate market for child pornography.

(2) Federal control of the intrastate incidents of the production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the transfer of custody of children for the production of child pornography, is essential to the effective control of the interstate market in child pornography.

(3) The importance of protecting children from repeat exploitation in child pornography.

(A) The vast majority of child pornography prosecutions today involve images contained on computer hard drives, computer disks, and related media.

(B) Child pornography is not entitled to protection under the First Amendment and thus may be prohibited.

(C) The government has a compelling state interest in protecting children from those who sexually exploit them, and this interest extends to stamping out the vice of child pornography at all levels in the distribution chain.

(D) Every instance of viewing images of child pornography represents a renewed violation of the privacy of the victims and a renewal of their abuse.

(E) Child pornography constitutes prima facie contraband, and as such should not be distributed to, or copied by, child pornography defendants or their attorneys.

(F) It is imperative to prohibit the reproduction of child pornography in criminal cases so as to avoid repeated violation and abuse of victims, so long as the government makes reasonable accommodations for the inspection, viewing, and examination of such material for the purposes of mounting a criminal defense.

SEC. 602. STRENGTHENING SECTION 2257 TO ENSURE THAT CHILDREN ARE NOT Exploited in the Production of Pornography.

Section 2257(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “or imprisonment” and inserting “and imprisonment”; and

(B) by inserting “less than 10” after “any term of years” and deleting “or”; and

(2) in paragraph (2)—

(A) by striking “or imprisonment for not” and inserting “and imprisonment for not less than 5 years nor” and

(B) by striking “or both”.

SEC. 612. MANDATORY PENALTIES FOR SEX-TRAFFICKING OF CHILDREN.

Section 1591 of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “or imprisonment” and inserting “and imprisonment”; and

(B) by inserting “after “any term of years” and deleting “or”; and

(2) in paragraph (2)—

(A) by striking “or imprisonment for not” and inserting “and imprisonment for not less than 5 years nor”; and

(B) by striking “or both”.

SEC. 513. CHILD ABUSE REPORTING.

Section 2258 of title 18, United States Code, is amended by striking “Class B misdemeanor” and inserting “Class A misdemeanor”.

This child pornography supports demand in the interstate market in child pornography and is essential to its existence.

(E) Prohibiting the interstate production, transportation, distribution, advertising, and possession of child pornography, as well as the interstate transfer of custody of children for the production of child pornography, will cause an individual to engage in such intrastate activities to cease all such activities, thereby reducing both supply and demand in the interstate market for child pornography.

(F) Federal control of the intrastate incidents of the production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the transfer of custody of children for the production of child pornography, is essential to the effective control of the interstate market in child pornography.

(2) The importance of protecting children from repeat exploitation in child pornography.

(A) The vast majority of child pornography prosecutions today involve images contained on computer hard drives, computer disks, and related media.

(B) Child pornography is not entitled to protection under the First Amendment and thus may be prohibited.

(C) The government has a compelling state interest in protecting children from those who sexually exploit them, and this interest extends to stamping out the vice of child pornography at all levels in the distribution chain.

(D) Every instance of viewing images of child pornography represents a renewed violation of the privacy of the victims and a renewal of their abuse.

(E) Child pornography constitutes prima facie contraband, and as such should not be distributed to, or copied by, child pornography defendants or their attorneys.

(F) It is imperative to prohibit the reproduction of child pornography in criminal cases so as to avoid repeated violation and abuse of victims, so long as the government makes reasonable accommodations for the inspection, viewing, and examination of such material for the purposes of mounting a criminal defense.

SEC. 603. ADDITIONAL RECORDKEEPING REQUIREMENTS.

(a) New Requirement—

(1) In general.—Title 18, United States Code, is amended by inserting after section 2257 the following:

"§ 2257A. Recordkeeping requirements for simulated sexual conduct

"(a) Whoever produces any book, magazine, periodical, film, videotape, or other matter which—

"(i) contains a visual depiction of simulated sexually explicit conduct (except conduct described in section 2256(2)(A)(v)), created after the date of the enactment of this section;

"(ii) is produced in whole or in part with materials which have been mailed or shipped"
SEC. 605. AUTHORIZING CIVIL AND CRIMINAL ASSET FORFEITURE IN CHILD EXPROITATION AND OBSCENITY CASES.
(a) CONFIRMITON PROCEDURES FOR OBSCENITY OFFENSES.—Section 1467 of title 18, United States Code, is amended—
(1) in subsection (a), by inserting a period after "of such offense" and striking all that follows; and
(2) by striking subsection (b) through (n) and inserting the following:
[(b) The provisions of section 413 of the Controlled Substances Act (21 U.S.C. 833) with the exception of subsection (d), shall apply to the criminal forfeiture of property pursuant to subsection (a).
(1) Any property subject to forfeiture pursuant to subsections (a), (f), (h), (j), (l), and (o) of section 853 of title 18, United States Code, shall be forfeited to the United States in a civil case in accordance with the procedures set forth in chapter 46 of this title.
(2) A person or entity that has knowledge of a violation of section 853 of title 18, United States Code, is required to provide information as part of theCONFIRMATION PROCEDURE referred to in subsection (a)(1) only if such person or entity could have reasonably been expected to know of the violation.]
(b) CONFORMING AMENDMENT.—Section 606(a) of title 28, United States Code, is amended—
(1) by redesignating existing paragraph (24) as paragraph (25); and
(2) by striking "and" at the end of paragraph (23); and
(c) by inserting after paragraph (23) the following:
[(2) Consult with the United States Marshals Service on a continuing basis regarding the security requirements for the Judicial Branch.
]
§117. Protection of individuals performing certain official duties

(a) Whoever knowingly makes restricted personal information about a covered official, or an immediate family of that covered official, publicly available, with the intent that such restricted personal information be used to intimidate or facilitate the commission of a crime of violence (as defined in section 16) against that covered official, or a member of the immediate family of that covered official, shall be fined under this title and imprisoned not more than 5 years, or both.

(b) As used in this section:

(1) the term ‘restricted personal information’ means, with respect to an individual, the Social Security number, the home address, home phone number, mobile phone number, home number, or home fax number, and identifiable to that individual:

(2) the term ‘covered official’ means—

(A) an individual designated in section 1114;

(B) a public safety officer (as that term is defined in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968); or

(C) an attorney, petit juror, witness, or other officer in or of, any court of the United States, or an attorney who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate; and

(3) the term ‘immediate family’ has the same meaning given that term in section 110(d)."

SEC. 705. RESPONSE SECURITY OF FEDERAL PROSECUTORS.

Not later than 90 days after the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the Senate a report on the security of assistant United States attorneys and other Federal attorneys arising from the prosecution of terrorists, violent criminal gangs, drug traffickers, gun traffickers, white supremacists, and those who commit fraud and other white-collar crimes, violent criminal gangs, drug traffickers, and methods.

SEC. 706. FLIGHT TO AVOID PROSECUTION FOR KILLING PEACE OFFICERS.

(a) FLIGHT.—Section 1114 of title 18, United States Code, is amended by adding at the end the following:

"§1075. Flight to avoid prosecution for killing peace officer—

Whoever moves or travels in interstate or foreign commerce with intent to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which he flees or under section 1114 or 1123, for a crime consisting of the killing, an attempted killing, or a conspiracy to kill, an individual involved in crime and juvenile delinquency control, or reduction, or enforcement of the laws or for a crime punishable by section 1114 or 1123, shall be fined under this title and imprisoned in addition to any other punishment for the underlying offense, for any term of years not less than 10.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 49 of title 18, United States Code, is amended by adding at the end the following new item:

"1075. Flight to avoid prosecution for killing peace officer".

SEC. 707. SPECIAL PENALTIES FOR MURDER, KIDNAPPING, AND RELATED CRIMES AGAINST FEDERAL JUDGES AND FEDERAL LAW ENFORCEMENT OFFICERS.

(a) MURDER.—Section 1114 of title 18, United States Code, is amended by—

(1) by inserting "(a)" before "Whoever";

and

(2) by adding at the end the following:

"(b) If the victim of a murder punishable under this section is a United States judge (as defined in section 1114) or a Federal law enforcement officer (as defined in section 1115) the offender shall be punished by a fine under this title and imprisonment for any term of years not less than 30, or for life, or, if death results, may be sentenced to death."

(b) KIDNAPPING.—Section 1201 of title 18, United States Code, is amended by adding at the end the following: "If the victim of the offense punishable under this subsection is a Federal law enforcement officer (as defined in section 1115) or a Federal law enforcement officer (as defined in section 1115) the offender shall be punished by a fine under this title and imprisonment for any term of years not less than 30, or for life, or, if death results, may be sentenced to death."

SEC. 708. AUTHORITY OF FEDERAL JUDGES AND PROSECUTORS TO CARRY FIREARMS.

(a) IN GENERAL.—Chapter 23 of title 18, United States Code, is amended by inserting after section 3053 the following:

"§3054. Authority of Federal judges and prosecutors to carry firearms—

Any judge of the United States or judge of the United States (as defined in section 451 of title 28), any judge of a court created under article I of the United States Constitution, any bankruptcy judge, any magistrate judge, any United States attorney, and any other officer or employee of the Department of Justice whose duties include representing the United States in a court of law, may carry firearms, subject to such regulations as the Attorney General shall prescribe. Such regulations may provide for training and regular certification in the use of firearms and shall, with respect to justices, judges, bankruptcy judges, and magistrate judges, be prescribed after consultation with the Judicial Conference of the United States."

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 3053 the following:

"§3054. Authority of Federal judges and prosecutors to carry firearms".

SEC. 709. PENALTIES FOR CERTAIN ASSAULTS.

Section 111 of title 18, United States Code, is amended—

(1) by striking "8 years" and inserting "15 years" in subsection (c); and

(2) by striking "20 years" and inserting "30 years" in subsection (b).

SEC. 710. DAVID MARCH AND HENRY PRENDES PROTECTION OF CERTAIN PUBLIC SAFETY OFFICERS.

(a) OFFENSE.—Chapter 51 of title 18, United States Code, is amended by adding at the end the following:

"§1123. Killing of federally funded public safety officers—

(a) Whoever kills, or attempts or conspires to kill, a federally funded public safety officer while that officer is engaged in the performance of official duties, or on account of the performance of official duties, or kills a former federal public safety officer, as defined in section 709, shall be punished by a fine under this title and imprisonment for any term of years not less than 30, or for life, or, if death results and the offender is prosecuted as a principal, may be sentenced to death.

(b) As used in this section—

(1) the term ‘federally funded public safety officer’ means a public safety officer for a public agency (including a court system, the National Guard of a State to the extent that such National Guard is not in Federal service, and the defense forces of a State authorized by section 109 of title 32) that receives Federal financial assistance, of an entity that is a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or any territory or possession of the United States, an Indian tribe, or a unit of local government that entity;

(2) the term ‘public safety officer’ means an individual serving a public agency in an official capacity, as a judicial officer, as a prosecutor, or as a member of a rescue squad or ambulance crew;
"(3) the term ‘judicial officer’ means a judge or other officer or employee of a court, including prosecutors, court security, pretrial services officers, court reporters, and corrections, probation, and parole officers; and

"(4) the term ‘firefighter’ includes an individual serving as an officially recognized or designated member of a legally organized volunteer fire department and an officially recognized or designated public employee member of a rescue squad or ambulance crew;

"(5) the term ‘law enforcement officer’ means an individual, with arrest powers, involved in crime and juvenile delinquency control and reduction, or enforcement of the laws.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of title 18, United States Code, is amended by adding at the end the following new item:

"1123. Killing of federally funded public safety officers.

SEC. 711. MODIFICATION OF DEFINITION OF OFFENSE AND OF THE PENALTIES FOR INFLUENCING OR INJURING OFFICER OR JUROR GENERALLY.

Section 1503 of title 18, United States Code, is amended—

(1) in each of paragraphs (1) and (2) of subsection (a), insert "or conspires after attempts" after "attempts";

(2) so that subparagraph (A) of subsection (a)(3) reads as follows:

"(A) corruptly, or by threats of force or force, endeavors to influence, intimidate, or imperil, or threatens or conspires in a judicial proceeding to injure a juror or officer’s duty;

"(B) injures a juror or an officer in a judicial proceeding arising out of the performance of official duties as such juror or officer; or

"(C) corruptly, or by threats of force or force, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice; or

(3) in subsection (b), by striking paragraphs (1) through (3) and inserting the following:

"(1) in the case of a killing, or an attempt or a conspiracy to kill, the punishment provided in section 1111, 1112, 1113, and 1117; and

"(2) in any other case, a fine under this title and imprisonment for not more than 30 years.

SEC. 712. MODIFICATION OF TAMPERING WITH A WITNESS, VICTIM, OR AN INFORMANT PENALTY.

(a) CHANGES IN PENALTIES.—Section 1512 of title 18, United States Code, is amended—

(1) in each of paragraphs (1) and (2) of subsection (a), insert "or conspires after attempts" after "attempts";

(2) so that subparagraph (A) of subsection (a)(3) reads as follows:

"(A) in the case of a killing, the punishment provided under section 1111 and 1112;", and

(3) in subsection (a)(3)—

"(A) in the matter following clause (ii) of subparagraph (B) by striking "20 years" and inserting "30 years";

"(B) in subparagraph (C), by striking "10 years" and inserting "20 years";

"(C) in subsection (b), by striking "ten years and inserting "20 years";

"(4) in subsection (b), by striking "ten years and inserting "30 years";

"(5) in subsection (d), by striking "one year" and inserting "20 years".

SEC. 713. MODIFICATION OF RETALIATION OFFENSE.

Section 1513 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting "or conspire after attempts" after "attempts";

(2) in subsection (a)(1)(B)—

"(A) by inserting a comma after "proba-

tion"; and

"(B) by striking the comma which immediately follows another comma;

(3) in subsection (a)(2)(B), by striking "20 years and inserting "30 years";

"(4) in subsection (b), by striking "ten years and inserting "30 years";

"(5) in the first subsection (b), by striking "10 years" and inserting "30 years"; and

"(6) by redesignating the second subsection (e) as subsection (f).

SEC. 714. INCLUSION OF INTIMIDATION AND RETALIATION AGAINST WITNESSES IN STATE PROSECUTIONS AS BASIS FOR FEDERAL PROSECUTION.

Section 1512 of title 18, United States Code, is amended in subsection (b)(2), by inserting "intimidation of, or retaliation against, a witness, victim, juror, or informant," after "corruption,", and inserting "or" after ", or"

SEC. 715. CLARIFICATION OF VENUE FOR RETALIATION AGAINST A WITNESS.

Section 1513 of title 18, United States Code, is amended by adding at the end the following:

"(g) A prosecution under this section may be brought in the district in which the offense was committed, or in any other district in which evidence in the prosecution is located, or in which the person in whose name the offense occurred resides or is found, or in which the government considers it to be a logical place to prosecute such a case.

SEC. 716. PROHIBITION OF POSSESSION OF DANGEROUS WEAPONS IN FEDERAL FACILITIES.

Section 998(e)(1) of title 18, United States Code, is amended by inserting "or other dangerous weapon" after "firearm".

SEC. 717. GENERAL MODIFICATIONS OF FEDERAL MURDER CRIME AND RELATED CRIMES.

(a) MURDER AMENDMENTS.—Section 1111 of title 18, United States Code, is amended in subsection (b) by inserting "not less than 30" after "any term of years".

(b) MANSLAUGHTER AMENDMENTS.—Section 1112(b) of title 18, United States Code, is amended—

(1) by striking "ten years" and inserting "20 years"; and

(2) by striking "six years" and inserting "10 years".

SEC. 718. WITNESS PROTECTION GRANT PROGRAM.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after part II (42 U.S.C. 3797f et seq.) the following new part:

"PART CC—WITNESS PROTECTION GRANTS.

SEC. 2811. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—From amounts made available to carry out this part, the Attorney General may make grants to States, units of local government, and Indian tribes to create and expand witness protection programs in order to prevent threats, intimidation, and retaliation against victims of, and witnesses to, crimes.

"(b) USES OF FUNDS.—Grants awarded under this part shall be—

"(1) distributed directly to the State, unit of local government, and Indian tribe; and

"(2) used for the creation and expansion of witness protection programs in the jurisdiction of the grantee.

"(c) PARTICIPANT CONSIDERATION.—In awarding grants under this part, the Attorney General may give preferential consideration, if feasible, to an application from a jurisdiction that—

"(1) has the greatest need for witness and victim protection programs;

"(2) has a serious violent crime problem in the jurisdiction; and

"(3) has had, or is likely to have, instances of threats, intimidation, and retaliation against victims of, and witnesses to, crimes; and

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2006 through 2010.

SEC. 719. FUNDING FOR STATE COURTS TO ASSESS AND ENHANCE COURT SECURITY AND EMERGENCY PREPAREDNESS.

(a) IN GENERAL.—The Attorney General, through the Office of Justice Programs, shall make grants under this section to the highest State courts in States participating in the program, for the purpose of enabling such court to—

(1) to conduct assessments focused on the essential elements for effective courtroom safety and security planning; and

(2) to implement changes deemed necessary as a result of the assessments.

(b) ESSENTIAL ELEMENTS.—As used in subsection (a)(1), the essential elements include, but are not limited to—

(1) the essential elements for effective courtroom safety and standard operating procedures;

(2) facility security planning and self-audit surveys of court facilities;

(3) emergency preparedness and response and continuity of operations;

(4) disaster recovery and the essential elements of a plan; and

(5) threat assessment.

(c) APPLICATIONS.—To be eligible for a grant under this section, a highest State court shall submit to the Attorney General an application at such time, in such form, and including such information and assurances as the Attorney General shall require.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2006 through 2010.

SEC. 720. GRANTS TO STATES FOR THREAT ASSESSMENT DATABASES.

(a) IN GENERAL.—The Attorney General, through the Office of Justice Programs, shall make grants under this section to the highest State courts in States participating in the program, for the purpose of enabling such courts to establish and maintain a threat assessment database described in subsection (b)

(b) DATABASE.—For purposes of subsection (a), a threat assessment database is a database through which a State can—

(1) analyze trends and patterns in domestic terrorism and crime; and

(2) project the probabilities that specific acts of domestic terrorism or crime will occur; and

(3) develop measures and procedures that can effectively reduce the probabilities that those acts will occur.

(c) CORE ELEMENTS.—The Attorney General shall define a core set of data elements to be used by each database funded by this section so that the information in the database can be effectively shared with other States and with the Department of Justice.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to
carry out this section such sums as may be necessary for each of fiscal years 2006 through 2009.

SEC. 721. GRANTS TO STATES TO PROTECT WITNESSES AND VICTIMS OF CRIMES.

(a) In General.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13962) is amended—

(1) in paragraph (4), by striking “and” at the end;
(2) in paragraph (4), by striking the period at the end and inserting “; and” and (3) by adding at the end the following: “(5) to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.”.

(b) Authorization of Appropriations.—

Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

“...”

SEC. 723. STATE AND LOCAL COURT ELIGIBILITY.

(a) Bureau Grants.—Section 3382(c)(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732(c)(1)) is amended by inserting “State and local courts, local law enforcement,” after “contracts with.”

(b) State and Local Governments to Consider Courts.—The Attorney General may require, in cases where—(1) a State or unit of local government or Indian tribe applies for a grant from the Department of Justice, the State, unit, or tribe demonstrates that, in developing the application and distributing funds, the State, unit, or tribe—(A) considered the needs of the judicial branch of the State, unit, or tribe, as the case may be; (B) consulted with the chief law enforcement officer of the State, unit, or tribe and other units of government, and appropriate nonprofit organizations; and (C) a crime involving the manufacturing, importing, distributing, possessing with intent to distribute, or otherwise dealing in a controlled substance or listed chemical (as defined in section 7202 of this title)...

(c) Eligibility.—For purposes of this section:

(1) Director.—The term “Director” means the Director of the Bureau of Justice Assistance.

(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 between the ages of 18 and 21.

(4) State.—The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(b) Program Authorization.—The Director may make grants to State and local prosecutors and law enforcement agencies in support of juvenile and young adult witness assistance programs, including State and local prosecutors and law enforcement agencies that have existing juvenile and adult witness assistance programs.

(1) To be eligible to receive a grant under this section, State and local prosecutors and law enforcement officials shall—

(a) submit an application to the Director in such form and containing such information as the Director may reasonably require; and (b) give assurances that each applicant has developed, or is in the process of developing, a witness assistance program that specifically targets the unique needs of juvenile and young adult witnesses and their families.

(d) 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 has been removed from or placed in their school for safety concerns; (D) support for young witnesses who are trying to leave a criminal gang and information to prevent initial gang recruitment; (E) protective services for young witnesses and their families when a serious threat of harm comes from the perpetrators or their associates is made; and (F) community outreach and school-based initiatives that stimulate and maintain public awareness and support.

(e) Reports.—

(1) Report.—State and local prosecutors and law enforcement agencies that receive funds under this section shall submit to the Director a final report by July 1 of each year in which grants are made available under this section. Reports shall describe progress achieved in carrying out the purpose of this section.

(2) Report to Congress.—The Director shall submit to Congress a report by July 1 of each year which contains a detailed statement of all grant awards, activities related to grant recipients, a compilation of statistical information submitted by applicants, and an evaluation of programs established under this section.

(f) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2006, 2007, and 2008.
the laundering of monetary instruments), section 1957 (relating to engaging in monetary transactions in property derived from specific unlawful activity), or sections 2312 through 2316 (relating to theft or attempted theft of motor vehicles).”

(2) Any conduct punishable under section 2117 (relating to engaging in and harboring in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of controlled substances) of the Immigration and Nationality Act.

(3) A prosecution for a violation of this section may be brought in—

(a) the judicial district in which the crime of violence occurred; or

(b) any judicial district in which racketeering activity of the enterprise occurred.

SEC. 806. MURDER AND OTHER VIOLENT CRIMES COMMITTED DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME.

(a) In general.—Part D of the Controlled Substances Act (21 U.S.C. 841 et seq.) is amended by adding at the end the following:

“MURDER AND OTHER VIOLENT CRIMES COMMITTED DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME.”

(b) Venue.—Section 1959 of title 18, United States Code, is amended by adding at the end the following:

“‘Murder and other violent crimes committed during and in relation to a drug trafficking crime’ includes offenses committed in a drug trafficking crime if the death penalty is otherwise imposed, in addition to being subject to a fine under this title.”

(1) If the crime of violence results in the death of any person, be sentenced to death or life in prison;

(2) if the crime of violence is kidnapping, aggravated sexual abuse (as defined in section 1952), or maiming, be imprisoned for life or any term of years not less than 30;

(3) if the crime of violence is assault resulting in serious bodily injury (as defined in section 1956(c)(7)(D) of title 18, United States Code, is amended by adding at the end following:

“‘Aggravated sexual abuse’ means an offense—

(a) which involves sexual contact with another, and

(b) that, if committed in the special maritime and territorial jurisdiction of the United States, would be punished as a felony under this title under section 1201 of title 18, United States Code, or an offense under section 2241(a).

The item relating to section 1952 of title 18, United States Code, is amended by adding the following:

“805. Increased penalties for violent crimes in aid of racketeering activity.

(a) Offense.—Section 1959(a) of title 18, United States Code, is amended to read as follows:

“Whoever commits, or conspires, threatens, or attempts to commit, a crime of violence, as consideration for the receipt of, or as consideration for a promise or agreement to pay, money or property of any value from an enterprise engaged in racketeering activity, or for the purpose of furthering the activities of an enterprise engaged in racketeering activity, or for the purpose of gaining entrance to or maintaining or increasing a position in, such an enterprise, shall, unless the death penalty is otherwise imposed, in addition to any other punishment provided for any other violation of this chapter and in addition to being subject to a fine under this title—

(1) if the crime of violence results in the death of any person, be sentenced to death or life in prison;

(2) if the crime of violence is kidnapping, aggravated sexual abuse (as defined in section 521), or maiming, be imprisoned for life or any term of years not less than 30; and

(3) if the crime of violence is assault resulting in serious bodily injury (as defined in section 1956(c)(7)(D) of title 18, United States Code), be imprisoned for life or any term of years not less than 30; and

(4) in any other case, be imprisoned for life or any term of years not less than 10.

(b) Venue.—A prosecution for a violation of this section may be brought in—

(1) the judicial district in which the murder or other crime of violence occurred; and

(2) any judicial district in which the drug trafficking crime may be prosecuted.

(c) Definitions.—In this section—

(1) the term ‘crime of violence’ has the meaning given that term in section 16 of title 18, United States Code; and

(2) the term ‘drug trafficking crime’ has the meaning given that term in section 924(c)(2) of title 18, United States Code.”

(b) Clerical Amendment.—The table of contents for the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by inserting after the item relating to section 422 the following:

“424. Murder and other violent crimes committed during and in relation to a drug trafficking crime.”

SEC. 807. MULTIPLE INTERSTATE MURDER.

(a) Offense.—Section 1959(a) of title 18, United States Code, is amended by adding at the end the following new section:

“1123. Use of interstate commerce facilities in the commission of multiple murder offenses.

“(a) In general.—Whoever travels in or causes another (including the intended victim) to travel in interstate or foreign commerce, or uses or causes another (including the intended victim) to use the mails or any facility of interstate or foreign commerce, or who conspires or attempts to do so, with intent to commit multiple murder offenses, is guilty of violating the laws of any State or the United States shall, in addition to being subject to a fine under this title—

(1) if the crime of violence results in the death of any person, be sentenced to death or life in prison;
“(2) if the offense results in serious bodily injury (as defined in section 1365), be imprisoned for any term of years, or for life; and
“(3) in any other case, be imprisoned not more than 20 years.

“(b) DEFINITION.—The term ‘State’ means each of the several States of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by adding at the end the following:

“§ 2326. Violent crime offenses

SEC. 808. ADDITIONAL RACKETEERING ACTIVITY.

Section 1961(1) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting “, or would have been so chargeable if the act or threat had not been committed in Indian country (as defined in section 1151) or in any other area of exclusive Federal jurisdiction,” after “chargeable under State law”; and

(2) in subparagraph (B), by inserting “section 1123 (relating to interstate murder), after section 1113 (relating to the transmission of gambling information),”.

SEC. 809. EXPANSION OF REBUTTABLE PRESUMPTION AGAINST RELEASE OF PERSONS CHARGED WITH FIREARMS OFFENSES.

Section 3124 of title 18, United States Code, is amended—

(1) in subsection (e), in the matter following paragraph (3), by inserting “an offense under subsection (g)(1) (where the underlying conviction is a serious drug offense (as defined in section 924(e)(2)(A)) or a crime of violence, (g)(2), (g)(4), (g)(5), (g)(6), or (g)(9) of section 922,” after “the person committed”;

(2) in subsection (f)(1)—

(A) by striking “or” at the end of subparagraph (C); and

(B) by adding at the end the following:

“(E) an offense under section 922(g); or

(3) in subsection (g), by amending paragraph (1) to read as follows:

“(1) the nature and circumstances of the offense charged, including whether the offense is a crime of violence, or involves a controlled substance, firearm, explosive, or destructive device;”.

SEC. 810. VENUE IN CAPITAL CASES.

Section 3235 of title 18, United States Code, is amended to read as follows:

“*§ 3235. Venue in capital cases

“(a) The trial for any offense punishable by death shall be held in the district where the offense was committed or in any district in which the offense began, continued, or was completed.

“(b) If the offense, or related conduct, under subsection (a) involves activities which occurred in more than one district, or the importation of an object or person into the United States, such offense may be prosecuted in any district in which those activities occurred.

SEC. 811. STATUTE OF LIMITATIONS FOR VIOLENT CRIME.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, as amended by adding at the end the following:

“§ 3298. Violent crime offenses

“No person shall be prosecuted, tried, or punished for any noncapital felony, crime of violence, including any racketeering activity or gang crime which involves any crime of violence, unless the indictment is found or the information is instituted not later than 15 years after the date on which the alleged violation occurred or the continuing offense was completed.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by adding at the end the following:

“§ 3298. Violent crime offenses

SEC. 812. ADDITIONAL RACKETEERING ACTIVITY.

Rule 404(b) of the Federal Rules of Evidence is amended to read as follows:

“(6) FORFEITURE BY WRONGDOING.—A statement offered against a party who has engaged or is accused of wrongdoing, or who could reasonably foresee such wrongdoing would take place, if the wrongdoing was intended to, and did, procure the unavailability of the evidence, is admissible if the statement is offered after a verdict or plea of guilty.”

SEC. 813. TRANSFER OF JUVENILES.

The 4th undesignated paragraph of section 5032 of title 18, United States Code, is amended—

(1) by striking “A juvenile” where it appears at the beginning of the paragraph and inserting “Except as otherwise provided in this chapter, a juvenile”; and

(2) by striking “as an adult, except that, with” and inserting “as an adult. With”; and

(3) by striking “However, a juvenile” and all that follows through “criminal prosecu- tion,” and inserting—

“The Attorney General may prosecute as an adult a juvenile who is alleged to have committed an act after that juvenile’s 16th birthday which if committed by an adult would be a crime of violence that is a felony, an offense described in subsection (d), (l), (k), (0), (p), (q), (r), or (x) of section 924 (relating to unlawful acts), or subsection (b), (c), (g), (h), (k), (l), (m), or (o) of section 924 (relating to penalties), section 930 (relating to possession of firearms and dangerous weapons in Federal facilities), or section 951 (relating to purchase, ownership, or possession of body armor by violent felons). The decision whether or not to prosecute a juvenile as an adult under the immediately pre- ceding sentence is not subject to judicial re- view in any court. In a prosecution under that sentence, the juvenile may be pros- ecuted and convicted as an adult for any other offense which is properly joined under each of the several States of the United States, regardless of whether or not the alien has received notice of the final order of removal; and even if the alien has already been removed.”

(b) INCLUSION OF INFORMATION IN THE NCIC DATABASE.—Section 5315(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

“(A) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States, regardless of whether or not the alien has received notice of the final order of removal; and even if the alien has already been removed;”.

SEC. 815. LISTING OF IMMIGRATION VIOLATORS FOR FORFEITURE BY WRONGDOING.

Section 534(a) of title 28, United States Code, is amended by inserting after chapter 51 the following new chapter:

“CHAPTER 52—ILLEGAL ALIENS

“Sec. 1318. Enhanced penalties for certain crimes committed by illegal aliens.

“Sec. 1319. Authorized appropriations.

“Sec. 1320. Authorization of appropriations.

“Sec. 1321. Authorization of appropriations.

“Sec. 1322. Appropriations for the national crime information center.

“SEC. 816. STUDY.

The Attorney General and the Secretary of Homeland Security shall jointly conduct a study on the connection between illegal immi- gration and gang membership and activity, including how many of those arrested nationwide for gang violence are aliens illegally present in the United States. The Attorney General and the Secretary shall report the results of that study to Congress not later than one year after the date of the enactment of this Act.

TITLE IX—INCREASED FEDERAL RE- SOURCES TO PREVENT AT-RISK YOUTH FROM JOINING ILLEGAL STREET GANGS

SEC. 901. GRANTS TO STATE AND LOCAL PROSECUTORS TO COMBAT VIOLENT CRIME AND TO PROTECT WITNESSES AND VICTIM FRAUD.

(a) IN GENERAL.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862), as amended by section 704(a)(1) of this Act is further amended—

(1) in paragraph (4), by striking “and” at the end;

(2) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(6) to hire additional prosecutors to—

(A) allow more cases to be prosecuted; and

(B) reduce backlogs;

“(7) to fund technology, equipment, and training for prosecutors and law enforcement in order to increase and coordinate the investigation of gang members and violent offenders, and to maintain databases with such information to facilitate coordination among law en- forcement and prosecutors; and

“(8) to fund technology, equipment, and training for prosecutors to increase the accu- racy of identification and successful prosecu- tion of gang violent offending.”

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

“SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

“*There are authorized to be appropriated $20,000,000 for each of the fiscal years 2006 through 2010 to carry out this subtitle.”

“52. Illegal aliens ................................. 1131”. 
SEC. 902. REAUTHORIZE THE GANG RESISTANCE EDUCATION AND TRAINING PROJECTS PROGRAM.

Section 3011 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) a summary of the activities carried out under the grant;

‘‘(2) an assessment of whether the activities summarized under paragraph (1) are meeting the performance criteria in the application submitted under subsection (c); and

‘‘(3) other such information as the Attorney General may require.’’

SEC. 903. STATE AND LOCAL REENTRY COURTS.

(a) In General.—Part FF of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796w et seq.) is amended by inserting the following:

‘‘SEC. 903. STATE AND LOCAL REENTRY COURTS.

‘‘(a) GRANTS AUTHORIZED.—The Attorney General shall award grants of not more than $500,000 to—

‘‘(1) State and local courts; or

‘‘(2) State agencies, municipalities, public agencies, nonprofit organizations, and tribes that have agreements with courts to take the lead in establishing a re-entry court.

‘‘(b) USE OF FUNDS.—Grant funds awarded under this section shall be administered in accordance with the guidelines, regulations, and protocols promulgated by the Attorney General, and may be used to—

‘‘(1) monitor offenders returning to the community;

‘‘(2) provide returning offenders with—

‘‘(A) drug and alcohol testing and treatment; and

‘‘(B) mental and medical health assessment and services;

‘‘(3) convene community impact panels, victim impact panels, or victim impact educational classes; and

‘‘(4) provide and coordinate the delivery of other community services to offenders, including—

‘‘(A) housing assistance;

‘‘(B) education;

‘‘(C) employment training;

‘‘(D) conflict resolution skills training;

‘‘(E) batterer intervention programs; and

‘‘(F) other appropriate social services; and

‘‘(5) establish and implement graduated sanctions and incentives.

(b) General Grant Authority.—Each eligible entity desiring a grant under this section shall, in addition to any other requirements required by the Attorney General, submit an application to the Attorney General that contains—

‘‘(1) describes a long-term strategy and detailed implementation plan, including how the entity plans to pay for the program after the Federal funds end;

‘‘(2) identifies the governmental and community agencies that will be coordinated by this project;

‘‘(3) certifies that—

‘‘(A) there has been appropriate consultation with all affected agencies, including existing community corrections and parole entities and the Governor of the State; and

‘‘(B) there will be appropriate coordination with all affected agencies in the implementation of the program; and

‘‘(4) describes the methodology and outcome measures that will be used in evaluation of the program.

(c) MATCHING REQUIREMENT.—The Federal share of the grant amount and the funds under this section may not exceed 75 percent of the costs of the project funded under this section unless the Attorney General—

‘‘(1) waives, wholly or in part, this matching requirement; and

‘‘(2) publicly delineates the rationale for the waiver.

(d) ANNUAL REPORT.—Each grantee under this section shall submit to the Attorney General, for each fiscal year in which funds from a grant received under this part is expended, a report, at such time and in such manner as the Attorney General may reasonably require, that contains—

‘‘(1) a summary of the activities carried out under the grant;

‘‘(2) an assessment of whether the activities summarized under paragraph (1) are meeting the performance criteria in the application submitted under subsection (c); and

‘‘(3) such other information as the Attorney General may require.’’

(b) Authorization of Appropriations.—

‘‘(1) IN GENERAL.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 2006 through 2009 to carry out this section.

‘‘(2) LIMITATIONS.—Of the amount made available to carry out this section in any fiscal year—

‘‘(A) not more than 2 percent may be used by the Attorney General for salaries and administrative expenses; and

‘‘(B) not more than 5 percent nor less than 2 percent may be used for technical assistance and training.’’

TITLE X—CRIME PREVENTION

CHAPTER D—GRANTS TO PRIVATE ENTITIES

SEC. 519. CRIME PREVENTION CAMPAIGN GRANT.

(a) GRANT AUTHORIZATION.—The Attorney General may provide a grant to a national private, nonprofit organization that has expertise in promoting crime prevention through public service campaigns in coordination with law enforcement agencies and other public officials, and representatives of community public interest organizations, including schools and youth-serving organizations, faith-based, and victims’ organizations and employers.

(b) APPLICATION.—To request a grant under this section, an organization described in subsection (a) shall submit an application to the Attorney General in such form and containing such information as the Attorney General may require.

(c) USE OF FUNDS.—An organization that receives a grant under this section shall—

‘‘(1) treat all national public communications campaigns;

‘‘(2) develop and distribute publications and other educational materials that promote crime prevention;

‘‘(3) design and maintain web sites and related web-based materials and tools;

‘‘(4) design and deliver training for law enforcement personnel, community leaders, and other partners in public safety and homeland security initiatives;

‘‘(5) design and deliver technical assistance to States, and crime prevention practitioners and associations;

‘‘(6) coordinate a coalition of Federal, national, and statewide organizations and communities supporting crime prevention;

‘‘(7) design, deliver, and assess demonstration programs;

‘‘(8) operate McGruff related programs, including McGruff Club;

‘‘(9) operate the Teens, Crime, and Community Program; and

‘‘(10) evaluate crime prevention programs and trends.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

‘‘(1) for fiscal year 2006, $6,000,000;

‘‘(2) for fiscal year 2007, $7,000,000;

‘‘(3) for fiscal year 2008, $8,000,000;

‘‘(4) for fiscal year 2009, $9,000,000; and

‘‘(5) for fiscal year 2010, $10,000,000.’’

SEC. 1002. THE JUSTICE FOR CRIME VICTIMS FAMILY ACT.

(a) Short Title.—This section may be cited as the ‘‘Justice for Crime Victims Family Act.’’

(b) STUDY OF MEASURES NEEDED TO IMPROVE PERFORMANCE OF HOMICIDE INVESTIGATORS.—Not later than six months after the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report outlining what measures needed to improve the performance of Federal, State, and local criminal investigators of homicide. The report shall include an examination of—

‘‘(1) the benefits of increasing training and resources for such investigators, with respect to investigative techniques, best practices, and forensic services; and

‘‘(2) the existence of any uniformity among State and local jurisdictions in the measurement of homicide rates and clearance of homicide cases;

‘‘(3) the coordination in the sharing of information among Federal, State, and local law enforcement and coroners and medical examiners; and

‘‘(4) the sources of funding that are in existence on the date of the enactment of this Act for State and local criminal investigators of homicide.

(c) IMPROVEMENTS NEEDED FOR SOLVING HOMICIDES INVOLVING missing PERSONS AND UNIDENTIFIED HUMAN REMAINS.—Not later than six months after the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report to evaluate measures to improve the ability of Federal, State, and local criminal investigators of homicide to solve homicides involving missing persons and unidentified human remains. The report shall include an examination of—

‘‘(1) measures to expand national criminal records databases with accurate information relating to missing persons and unidentified human remains;

‘‘(2) the collection of DNA samples from potential ‘high-risk’ missing persons;

‘‘(3) the benefits of increasing access to national criminal records databases for medical examiners and coroners;

‘‘(4) any improvement in the performance of postmortem examinations, autopsies, and reporting procedures of unidentified persons or remains;

‘‘(5) any coordination between the National Center for Missing Children and the National Center for Missing Adults;

‘‘(6) website postings (or other uses of the Internet) of information of identifiable information such as physical features and characteristics, clothing, and photographs of missing persons and unidentified human remains; and

‘‘(7) any improvement with respect to—

‘‘(A) the collection of DNA information for missing persons and unidentified human remains; and

‘‘(B) entering such information into the Combined DNA Index System of the Federal Bureau of Investigation and national criminal records databases.

TITLE XI—NATIONAL CHILD ABUSE AND NEGLECT REGISTRY ACT

SEC. 1101. SHORT TITLE.

This title may be cited as the ‘‘National Child Abuse and Neglect Registry Act’’. SEC. 1102. NATIONAL REGISTRY OF SUBSTANCES USE cause and circumstances of child abuse.

(a) IN GENERAL.—The Secretary of Health and Human Services, in consultation with
the Attorney General, shall create a national registry of substantiated cases of child abuse or neglect.

(b) INFORMATION.—

(1) GENERAL.—The information in the registry described in subsection (a) shall be supplied by States and Indian tribes, or, at the option of a State, by political subdivisions of the State, to the Secretary of Health and Human Services.

(2) TYPE OF INFORMATION.—The registry described in subsection (a) shall collect in a central electronic registry information on persons reported to a State, Indian tribe, or political subdivision of a State as perpetrators of a substantiated case of child abuse or neglect.

(c) SCOPE OF INFORMATION.—

(1) IN GENERAL.—

(A) TREATMENT OF REPORTS.—The information to be provided to the Secretary of Health and Human Services under this title shall relate to substantiated reports of child abuse or neglect.

(B) EXCEPTION.—If a State, Indian tribe, or political subdivision of a State has an electronic register of cases of child abuse or neglect that complies with the requirements of the Secretary of Health and Human Services, it shall be acceptable to the Secretary of Health and Human Services under this title.

(d) CONSTRUCTION.—This title shall not be construed to require a State, Indian tribe, or political subdivision of a State to modify:

(1) an equivalent register of cases of child abuse or neglect that it maintains pursuant to a requirement or authorization under any other provision of law;

(2) other records relating to child abuse or neglect, regardless of whether the report of abuse or neglect was substantiated, unsubstantiated, or determined to be unfounded.

(e) DISSEMINATION.—The Secretary of Health and Human Services shall establish standards for the dissemination of information in the central electronic registry of substantiated cases of child abuse or neglect. Such standards shall require that the information described in subsection (a) shall be provided by States and Indian tribes, or, at the option of a State, by political subdivisions of the State, to the Secretary of Health and Human Services.

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.

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4472, currently under consideration.

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

There was no objection.

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

Madam Speaker, I rise in strong support of H.R. 4472, the Children’s Safety and Violent Crime Reduction Act. This legislation contains bipartisan, comprehensive proposals to better protect our children from convicted sex offenders, to enhance judicial security, and to combat violent criminal gangs that terrorize our communities. Last year, the full House overwhelmingly approved three separate bills tailored to address these critical issues. H.R. 3132, the Yeager’s Safety Act of 2005, passed the House on September 14 of last year by a vote of 371–52. H.R. 1751, the Secure Access to Justice and Courthouse Protection Act, was approved by the House on November 9, 2005, by a vote of 376–45, and H.R. 1279, the Gang Prevention and Deterrence Act, passed the House on May 11, 2006, by a vote of 279–144. H.R. 4472 incorporates core provisions of each bill with some modifications and additions.

Last year our Nation was horrified by news of the kidnapping and raping of Dylan and Shasta Groehne and the brutal murder of their parents and siblings. These heinous acts occurred after 9-year-old Jessica Lunsford was abducted, raped, and buried alive, and 13-year-old Sarah Lunde was murdered. All of these terrible crimes were committed by convicted sex offenders.

While these tragedies received the public attention and outrage they deserved, sexual predators continue to exploit loopholes in our criminal justice system to prey on America’s most vulnerable. H.R. 4472 protects America’s children by making it much harder for them to do so.

When child sex offenders are brought to justice and serve time for their offenses, they are often released into unsuspecting communities to resume their sexual attacks. There are over 550,000 convicted sex offenders in the country, and it is conservatively estimated that at least 100,000 of them, or 100,000, are lost in the system, meaning that nonregistered sex offenders are living in our communities, attending schools and working at locations where they can prey on our children.

The threat to our children grows each day as more convicted sex offenders move freely within our midst. This bill reduces these unconscionable vulnerabilities by strengthening sex offender notification requirements.

The bill also addresses the problem of violence at our courthouses against judges, prosecutors, witnesses, law enforcement and other court personnel, as well as their immediate families. According to the Administrative Office of U.S. Courts, Federal judges receive nearly 700 threats a year, and several Federal judges require security personnel to protect them and their families from violent gangs, drug organizations and disgruntled litigants. Judges, police officers, and all persons and law enforcement officers must operate without fear in order to enforce and administer the law without bias.

Finally, the bill includes relevant provisions to address the growing national threat from violent and vicious gangs in our communities. According to the last National Youth Gang Survey, it is estimated that there are now between 750,000 and 850,000 gang members in our country. Every city in the country with a population of 250,000 or more has reported gang activity. There are over 25,000 gangs in more than 3,000 jurisdictions in the United States. In recent years gangs have become organized criminal structures, associations, many of which are now international in scope. State and local law enforcement have sent us a clear message: update and strengthen America’s laws to combat the scourge of violence in our communities.

H.R. 4472 is strongly supported by John Walsh of America’s Most Wanted, the National Center For Missing and Exploited Children, and the Boys and Girls Clubs of America, and other victims and representatives of victims organizations, as well as law enforcement agencies around the country.

These tireless advocates for America’s children have provided vital assistance in crafting this measure, and their calls for justice for America’s children must no longer go unanswered. We must act now to ensure that the tragedy of perverse and sexual attacks on America’s children is not compounded by the tragedy of congressional inaction to strengthen our laws to address this national epidemic.

I urge my colleagues to put aside partisan differences and to speak in a clear and united voice to protect our children, to ensure a safe judiciary, and to give America’s law-abiding citizens the right to live free from gang violence.

Madam Speaker, I reserve the balance of my time.
hate crimes is a very important part of any Child Safety and Violent Crime Reduction Act that is before us, and I am very disappointed that somewhere in the night this bill was dropped so that we are now combining three instead of two bills.

It is a Federal crime to hijack an automobile; it is a Federal crime to possess cocaine. It ought to be a Federal crime to drag a man to his death because of his race or to hang a man because of his sexual orientation. We should assume that we will through some parliamentary mechanism, seize upon the historic opportunity that is before us to enact legislation that would effectively augment existing Federal law and demonstrate that this Nation will not tolerate violence directed at any individual because of their identity. But instead of supporting this principle, the measure before us takes an opposite direction. I am really, really sorry about this because it causes an injustice.

I am also, at the same time, wishing to register notice that an amendment offered by the gentleman from New York (Mr. Nadler), which was adopted and would have prevented the sale of a firearm and a convicted or a misdemeanor sex offense, was also dropped. This is very troubling. Still others will talk about the 43 new mandatory minimum penalties and over 10 new death penalties that have become eligible by offenses in this new bill.

So I am hopeful that we can work out some kind of agreement or acknowledgment about the unusual parliamentary process by which this matter has been brought to us.

I rise in strong opposition to this legislation and the manner by which it comes before us today. Introduced just over two months ago, this legislation, all 164 pages, has managed to completely circumvent the traditional legislative process.

With the benefit of a single hearing or committee markup, the legislation has somehow found its way here to the floor of the House of Representatives. To make matters worse, it's being considered under suspension of the rules, leaving with reasonable concerns no opportunity to offer modest amendments.

Some might suggest that hearings or markup are necessary under these circumstances; since this measure, in large part, is a combination of three different bills, H.R. 3132; H.R. 1279; and H.R. 1751, which have been considered by this body in the past. But, I strongly disagree. This measure differs from those various proposals in several meaningful ways.

First and foremost, this measure fails to include the hate crimes amendment that I offered—and which was adopted by a 223–199 vote as part of H.R. 3132. My hate crimes amendment arguably is one of the most notable pieces of civil rights criminal enforcement protection considered by this Congress in the last 30 years.

The other reported a dramatic increase in hate motivated violence since the September 11th terrorist attacks. While the overall crime rate has grown by approximately two percent, the number of reported hate crimes have increased dramatically from 8,063 in 2000 to 9,730 in 2001, a 20.7 percent increase. Racial bias again represented the largest percentage of bias-motivated incidents, 44.9 percent; followed by Ethnic or National Origin Bias, 21.6 percent; Religious Bias, 18.8 percent, Sexual Orientation Bias, 14.3 percent; and Disability Bias, 0.4 percent.

It's worth noting that the amendment I offered would not have created new law. It simply would have amended existing law. Nameley, section 245 of title 18, passed in 1968, which amended the law of attacks on the Freedom Riders during their historical civil rights work in the South.

The amendment of Section 245 would make it easier for Federal authorities to prosecute racial, religious, ethnic and gender-based violence, in the same way that the Church Arson Prevention Act of 1996 helped Federal prosecutors combat church arson: by loosening the unduly rigid jurisdictional requirements under Federal law.

Current, this measure fails to include an amendment offered by Mr. Nadler—also adopted by voice-vote—which would have prevented the sale of a firearm to anyone convicted of a misdemeanor sex offense.

So I understand those who may be painfully aware of the fact that sex offenders often use firearms to prey upon their unsuspecting victims. In fact, not long ago Keith Dwayne Lyons, a high-risk sex offender, was convicted of a misdemeanor sex offense.

It is a Federal crime to hijack an automobile or to possess cocaine, and it ought to be a Federal crime to drag a man to death because of his race or to hang a man because of his sexual orientation. We should seize upon this historic opportunity to enact legislation that would effectively augment existing Federal law and demonstrate that this Nation will not tolerate violence directed at any individual because of their identity, instead of supporting legislation, such as the measure before us today, that takes us in the opposite direction.

In the end, the list of lingering concerns associated with this bill is quite staggering.

Over 33 scientific researchers, treatment professionals and child advocates have written in to express their concerns regarding the bill's overly harsh treatment of juveniles.

Advocates from the immigration community have written in to complain about the bill's provisions which will likely encourage state and local law enforcement officials to enforce Federal immigration laws.

And, groups ranging from the Chamber of Commerce to the American Library Association have expressed serious concerns that the provisions outlined in title 6 of the bill will create criminal liability for the producers and distributors of mainstream novels, photographs, Internet content, movies, and TV shows.

With so many outstanding issues and no opportunity to offer even modest amendments, it's hard to see how anyone could lend their support to this measure.

I strongly urge my colleagues to vote "no".

Madam Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield ½ minutes to the gentleman from Wisconsin (Mr. Green), Chair of the Committee on House Administration.

Mr. SENSENBRENNER. Madam Speaker, I thank the gentleman for yielding me this time and for his great leadership on child safety issues.

There is one provision I wish to speak about in this bill that the people of Wisconsin are tragically familiar with: the Amy Zyla Act. It was inspired by the story of Amy Zyla, a young woman from Waukesha, Wisconsin. Amy is a young lady who has bravely crusaded to save her potential victims. She herself was sexually assaulted by a young offender when she was just 8 years old. Her attacker was found guilty and was sentenced to a juvenile facility for this heinous act. Yet because he was a juvenile, no conviction, high-risk sex offender was back on the streets, because he had been a juvenile. As a result, he went on to portray himself as a youth minister and
preyed upon others. He was given the trust of other parents because they simply didn’t know that he was a convicted sex offender.

These subsequent crimes were absolutely preventable. Under the Amy. Zlya. Taubman. act, this bill, if sex crimes committed by a juvenile offender is serious enough that it would qualify reporting under the sex offender registry had he been an adult, law enforcement has the authority to notify the community when that sex offender is released.

Madam Speaker, communities, victims, and parents must be able to rely upon the sex offender registries. This provision, and certainly this bill, will help us get there.

Mr. CONyers. Madam Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT), and no one has worked harder in this area than he.

Mr. SCOTT of Virginia. Madam Speaker, this is the first time this gentleman for yielding me this time.

Madam Speaker, this is a very difficult bill to try to debate because it includes a lot of different bills, everything except the hate crimes bill, which had a lot to do with this side. It includes a variety of slogans and sound bites, many of which have actually been shown to increase crime, disrupt orderly, proportionate, and fair sentencing, it wastes money and violates common sense.

Among these approaches are trying more juveniles as adults, the mandatory minimum, new death penalties, and habeas corpus restrictions, which is a process by which dozens of innocent people on death row have been able to show their innocence and escape the death penalty because they were innocent of the underlying charges. It also includes a national sex offender registry that includes misdemeanors and juveniles in the same kind of registration as the most serious predatory offenses.

If we are going to be serious about dealing with child sexual abuse, we ought to face the fact that virtually all of the abusers are either related to the child or at least known to the child’s family. No studies have shown that these things actually reduce child abuse; and, in fact, anecdotal evidence would suggest that we might be actually increasing crime. Because the people who tend to be the abusers are unemployable to get a job, unable to live in any kind of neighborhood, have nothing to lose, the restrictive covenants now restricting where they can live, and all of these things may in fact increase crime. But there are certainly no studies to show that they have reduced by any measurable amounts the amount of child sexual abuse.

We are treating more juveniles as adults. That thing has been studied over and over again, and we know that treating more juveniles as adults will increase the crime rates. In every State, the most heinous crimes are already subject to juveniles being treated as adults. So if this passes, we are talking about those who are not now treated as adults who would be treated as adults under this bill. Those are the marginal cases.

We know that those marginal cases sent to adult court will not have education and psychological services and family services available in the juvenile court. They will either be locked up with adults or just released on probation. Whatever the adult court judge does will have more effect on crime in the future than if the juvenile court can provide those services.

We know how to reduce juvenile crime. It is the prevention programs. And unlike many bills, there is actually some money in this bill for prevention programs. They work. So those provisions are actually meaningful. We also have reentry programs in here. They work and have been proven to reduce recidivism. So there are at least some provisions in this bill that have something to recommend them.

But the mandatory minimums in the bill have been studied. We know from all the studies that mandatory minimums have been shown to waste money, discriminate against minorities, and violate common sense. This bill includes mandatory minimums for juveniles that includes a 20-year mandatory minimum for a fistfight that results in a serious injury, and 10 years mandatory minimum if there is no serious injury; 10 years mandatory minimum for a fistfight in a school yard. This bill cannot be serious.

We have done which have been proven to have no effect on crime. Innocent people are convicted. We have a habeas corpus provision that will eliminate the possibility that many of those who are innocent on death row, and we know there are many of them, will not have the opportunity to have their cases adjudicated.

We saw in the confirmation hearings for Justice Alito, when he was asked if he would have voted for the death penalty, and he didn’t give a straightforward answer. We need to make sure people’s rights are protected and that habeas corpus provisions are eliminated from the bill.

Mr. SENSENBERNNER. Madam Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. KELLER).

Mr. KELLER. Madam Speaker, I thank the gentleman for yielding me this time and for his leadership on child safety.

Madam Speaker, I rise today in strong support of the Child Safety and Violent Crime Reduction Act because it is a commonsense way to protect our school children from pedophiles.

Isn’t it common sense to allow a local school district in Orlando, Florida to do criminal background checks on coaches, janitors, and teachers who work with our children, to make sure they are not convicted pedophiles from Georgia or some other State?

Isn’t it common sense to protect young school children in the first place by keeping these pedophiles locked up with lengthy prison sentences?

Isn’t it common sense that coddling repeated sex offenders with self-esteem courses and rehabilitation doesn’t work, and that locking them up does work?

Madam Speaker, the best way to protect young children is to keep child predators locked up in the first place, because someone who has molested a child will do it again and again and again.

Last year, two young Florida girls, 9-year-old Jessica Lunsford and 13-year-old Sarah Lunde, were abducted, raped, and killed. In both cases the crimes were committed by convicted sex offenders who were out on probation.

This law imposes a mandatory minimum punishment of 30 years for those who commit violent crimes against children, as well as a punishment of life in prison or a death sentence when that crime results in a child’s death.

High time we put a stop to this in on child molesters by implementing these commonsense reforms, and I urge my colleagues to vote “yes” on H.R. 4472.

Mr. CONYERS. Madam Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. Frank). He has worked on a number of issues connected with the measure presently being debated.

Mr. FRANK of Massachusetts. Madam Speaker, I once again skirt the rules of the House by taking note of the fact that people not in this Chamber may be watching us. And I am particularly concerned about members of the Iraqi National Assembly, the newly elected Parliament which we are trying to instruct in democracy. They may be observing this procedure by which this House deals with a number of very important and controversial issues, some of which I fully support, some of which I question. But as they watch us deal with this, it is being dealt with in a manner in which no amendments are allowed, in which only 40 minutes total of debate are allowed. And it is a bill brought forward because the committee leadership didn’t like what happened when the House actually voted on it in a democratic manner.

You will remember this bill came before us, many of the elements of this bill some time ago, and the House, working its will, voted to include an amendment to the legislation. That appalled many Members of the majority. In fact, we read in some of the newspapers, members of the majority of the Republican Study Committee lamented the fact that the leadership had actually given the House membership a chance to vote. They said, we can’t allow that to happen, we can’t allow democracy to be running rampant on the floor of the U.S. House of Representatives.

So today we have the antidote to democracy. We have a bill brought forward that repeats much of what was done before, which adds some other issues that ought to be debated, many
Sandra Day O'Connor last Wednesday when this House passed legislation, the only vote we as we give post offices, or that major give this bill the same amount of time this bill under the same rule that we give them. That is an important point we need to make: please don't try this at home.

We are trying to instill others in the world by being democratic. The President's inaugural address noted that we need to approach looking at things individually and saying an amendment here, there, and everywhere. If the gentleman brought forth this bill under the regular calendar and said he wants to give a pill to a dog: you take something that the dog wants and you stick a couple of pills in it and you ram it down its throat. That is an inappropriate way for this democratic House to proceed.

Mr. SENSENBRINNER. Madam Speaker, this is not giving a pill to a dog. What this legislation does is it combines three bills that the House already debated and passed but which got stalled in the other body. What it does is it takes away the poison pills that have caused the essential legislation to be stalled in the other body. And it makes some amendments, some of which have been requested by people on the other side of the aisle such as getting rid of a certain number of mandatory minimum penalties.

The purpose of this exercise is to get legislation signed into law and it is important to protecting children from pedophiles, protecting Americans from gangs, and protecting judges from fools who want to do them and their families harm. That is why this procedure is being used today so that we have this bill. Madam Speaker, I yield 1½ minutes to the gentlewoman from Florida (Ms. HARRIS).

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

Ms. HARRIS. Madam Speaker, I rise today to urge my colleagues to support H.R. 4472, the Children's Safety and Violent Crime Reduction Act.

Unfortunately, there are thousands of reasons why this legislation is so vitally important to the National Center for Missing and Exploited Children, the location of between 100,000 and 150,000 of the 500,000 sex offenders currently registered in the United States are unknown. But the victims are known, and their names are known. And today, we know we are not powerless.

This bill takes commonsense steps towards ensuring sex offenders are not free to prey on the most vulnerable members of our society. We require States to expand the definition of sexual offenders to include juveniles, alert other States when predators seek refuge in another State and make community notification proactive, not reactive efforts.

There are many reasons which cause parents across America to lie awake at night. Our failure to pass this valuable legislation should not be one of them. Madam Speaker, sexual predators live in darkness but their victims live in vibrant colors of all our memories. In pinks and blues. And in purples.

Prior to her abduction and murder at the hands of a sexual predator in February of 2004, that was the favorite color of 11-year-old Carlie Brucia. It still is.

Mr. CONYERS. Madam Speaker, I yield 16 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Madam Speaker, I just want to point out that the poison pill the gentleman from Wisconsin was referring to was an amendment adopted on the floor of this House by a majority of the House. So the poison pill is the result of a majority of this House. The problem is the gentleman from Wisconsin has Thomas Jefferson confused with Lucretia Borgia. When the will of the House works it will under this regime, and the gentleman from Wisconsin does not like the outcome, it becomes a poison pill and we go through this whole procedure just to get rid of it.

Mr. CONYERS. Madam Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER), a distinguished member of the committee.

Mr. NADLER. Madam Speaker, this bill manipulates the legislative process by repackaging legislation that for the most part has already passed the House, and by taking out that legislation two amendments that were passed on the floor of the House and giving us no opportunity, giving the House majority no opportunity to correct this.

The bill includes three previous bills. On one of them I offered an amendment to prohibit gun possession by convicted misdemeanor sex offenders against minors. The amendment was agreed to unanimously and incorporated in the underlying bill. This is one of the poison pills. One of the poison pills, in other words, is that apparently the sponsors of this bill think it is essential to allow people convicted of misdemeanor sex offenses against minors to possess firearms, so they can use firearms against minors the next time.

The other amendment, the ranking member offered an amendment to combat crimes based on race, religion, national origin, disability, gender and sexual orientation by allowing the Federal Government to provide resources to local law enforcement to act as a Federal backup if local authorities do not prosecute these crimes. The amendment passed 222-199.

Now we are faced with this legislation on a suspension calendar. We are told that it is on a suspension calendar and it is unamendable because we have already debated. Yes, but we passed it in different forms, and they are just taking out the two poison pills.

Who has the right to decide that what the majority of the House voted is a poison pill and not give this House the right to vote on whether it agrees with them or not?

If the gentleman brought forth this bill under the regular calendar and said should we remove these two provisions because we cannot pass them in the Senate, let the House debate that. Maybe we would decide it is more important to let the Senate pass this bill and permit misdemeanor sexual offenders to have firearms than to not pass the bill. Maybe we would decide that, but that should be decided in a debate, not because someone behind the scenes decides that the will of the House can be overturned.

I urge Members to oppose this bill because it does not include these two provisions, to ban gun possession by those convicted of misdemeanor sex offenders against minors. We should not go on record today, as a vote for this legislation would be in favor of gun possession by people convicted of misdemeanor sex offenses. And it also does
not include the hate crimes amendment that was sponsored by Mr. CONyers and included by the House by majority vote.

It is wrong to prostitute the procedures of this House to undo the majority vote by our colleagues by behind-the-scenes manipulation and then say this is democratic procedure.

**Mr. SENSENBRENNER.** Mr. Speaker, I yield to the gentleman from Ohio (Mr. GILLMOR) for the purpose of a unanimous consent request.

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

Mr. GILLMOR. Mr. Speaker, I thank the chairman and rise in strong support of the bill.

Mr. Speaker, as a father and a grandfather I am often reminded of the dangers that surround my loved ones. Specifically the growing threat that sexual predators pose to our Nation’s children and their families represents an area where our criminal justice system has fallen behind the public need. In order to effectively protect our loved ones, we must provide the American public with unfettered access to know who these dangerous criminals are and where they are living. If a picture is worth a thousand words, then a comprehensively maintained publicly accessible database is worth at least that many lives.

I was pleased that Chairman SENSENBRENNER included provisions from my bill, H.R. 95, that would create a national, comprehensive, and publicly accessible sex offender database into this comprehensive piece of legislation. Additionally, I feel that it is important to have consistency not only with a national registry, but also in how offenders are classified. Currently each State classifies offenders differently according to the risk that they pose to the community. The result is inconsistent and unreliable classifications across state lines. I was pleased that the chairman saw the need to address this issue, and I appreciate him working with me to include a provision to study the merits of a national risk-based classification system that could be integrated into the national sex offender database.

Furthermore, I was delighted at the level of bipartisanship that both my bill and today’s legislation have received and I would like to personally thank Mr. POMEROY from North Dakota for his leadership and support. Also, I would like to extend my gratitude to organizations such as the Big Brothers and Big Sisters of America and the Safe Now Project for the help and cooperation that they provided throughout this process.

Mr. Speaker, too often we must come together to make certain that our children grow up in a safe and secure environment and that parents are unafraid to let their children play in their neighborhood because they have the information they need to protect them. Knowledge is power, and today we have an opportunity before us to supply the American public with the tools necessary to protect themselves, their family, and their friends against those that would commit these heinous crimes. I urge all of my colleagues to cast their vote in support of this legislation and collectively answer the American public’s call to provide them with additional resources to combat these predators before another life is lost and tragedy befalls another family.

**Mr. SENSENBRENNER.** Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, there are a lot of collateral issues being discussed today, but the fact remains that the will of the Senate is clear on the Senate. The Senate was unwilling to accept some provisions. Let us acknowledge that.

But let us talk about what we are here for today, that is to protect the vulnerable children. You have heard the names repeatedly in this debate. I do not want to read about another one for our failure to act.

This House did overwhelmingly approve this bill because there are a lot of good legislative initiatives in this bill to protect our children. I have said repeatedly on this floor that we protect library books better than we do our children. We have a better system of accountability than we do for our children.

This is about the kids that have disappeared because they were at the hands of despicable child predators.

**Mr. SENSENBRENNER.** Mr. Speaker, I want to refer to a letter that says, "For the first time, the statute would implicate a wide array of legitimate, mainstream businesses that have never been linked in any way to the sexual exploitation of children." It continues, "In some instances, the proposed amendments are vague and offer little guidance as to what is required of those needing to comply, and in others, they impose requirements that are simply impossible to meet."

The letter is signed by the Chamber of Commerce, the American Library Association, the National Association of Broadcasters, the National Cable and Telecommunications Association, Screen Actors Guild, American Association of Advertising Agencies, the American Association of Law Libraries and others.

**February 7, 2006.**

**Hon. Orrin H. Hatch, U.S. Senate, Washington, DC.**

Dear Senator Hatch: We are writing to express our continuing concern with the legislative language contained in S. 2140, the Protection of Sexually Exploited Children Act that would significantly expand the scope of Title 18 U.S.C. §2257. As you know, we strongly support the objective of increasing the Justice Department’s ability to combat child pornography and exploitation. The members of our broad coalition are committed to protecting children from exploitation. That is why we appreciate and acknowledge the efforts of the sponsors of S. 2140 to address many of the issues raised by previous attempts to amend §2257. However, serious concerns remain.

§2140 would significantly expand the types and categories of conduct that would bring the requirements of §2257 into play for the first time, the statute would implicate a wide array of legitimate, mainstream businesses that have never been linked in any way to the sexual exploitation of children. S. 2140 dramatically expands the class of persons required to keep records and label products under §2257. Many affected by the proposed expansion are businesses and individuals that have no actual contact or relationship with the performers in question. In fact, many of the proposed amendments are vague and offer little guidance as to what is required of those needing to comply, and in others, they impose requirements that are simply impossible to meet. The expansion of §2257 as envisioned by the proposed legislation will likely divert even more resources toward legal challenges to the statute and away from the legislation’s primary objective of prosecuting those who sexually exploit children.

It is important to note that since §2257 was passed in 1988, the inspection regime of the law has, to our knowledge, never been used. Rather than expanding the scope of §2257 to cover a myriad of legitimate mainstream businesses, we believe effective enforcement of the existing regime is first necessary. Accordingly, any amendments to the statute should be narrow and focused on individuals that seek to harm young people.

Finally, from the outset of this process, we have been prepared to discuss the serious concerns our coalition has with the proposals to amend §2257. However, we are not involved in the negotiation of the current bill package. While we are pleased to working with all interested parties, we do not believe that in its current form, S. 2140 addresses the myriad of legitimate concerns raised by our coalition.

We applaud you for your continued leadership and dedication to protecting children.
Mr. PORTER. Mr. Speaker, I thank the chairman and include my statement for the RECORD:

I want to thank the Chairman of the Judiciary Committee, Mr. SENSENBRNEN, for bringing this bill to the House today. It is an important bill that will help protect children and our community's safety.

One section of this package includes H.R. 4894, legislation introduced, that will provide our school districts with yet another tool in their extraordinary efforts to bring highly qualified staff to our classrooms and schools.

By providing our school districts with direct access to criminal information records, we can help ensure timely and complete information on potential predators. This provision will allow local and state educational agencies to access national criminal information databases and will ensure that schools have the information they need when hiring teachers entrusted with our children and our community's safety.

Teachers are unparalleled in the role they play in children's lives. Most teachers uphold the highest standards of conduct, and they deserve the trust they have earned in educating our children. However, particularly in rapidly-growing communities, a lack of good information may leave schools vulnerable and could endanger our students. This is a common sense opportunity to give states and local schools the tools they need to ensure safety in our schools.

This package also includes legislation introduced, H.R. 4732, The Sergeant Henry Prendes Memorial Act of 2006. This legislation states that whoever kills, or attempts to kill or injure, a federal or state law enforcement officer is engaged in an official act, shall be imprisoned for no less than 30 years, or life, or, if death results may be sentenced to death. A 'public safety officer' under this legislation means any individual serving a public agency in an official capacity, as a judicial officer, law enforcement officer, firefighter, chaplain, or as a member of a rescue squad or ambulance crew.

This is a common sense legislative package that will help keep our children and those who protect our communities safe. I urge my colleagues to support this bill and, again, applaud the Chairman for his leadership on the underlying legislation.

Mr. Speaker, insert the following article on Sergeant Prendes into the RECORD.

'OUR WORST NIGHTMARE': LV OFFICER SLAIN IN GUNBATTLE

(By Brian Haynes, Review-Journal)

What was to have been a proud day for the Metropolitan Police Department on Wednesday ended as one of its darkest. Fourteen-year-old police officer Sgt. Henry Prendes was shot and killed during a domestic violence call, becoming the first Las Vegas police officer in 17 years to be killed on duty.

Young said.

Investigators found several empty ammunition clips at the scene.

"He was preparing for this," Young said. "I thought he was ready, waiting and willing to kill a police officer." As the gunbattle continued, officers from across the valley sped toward the area and surrounded the neighborhood. Several roads were closed as police locked down the scene and surrounding neighborhood.

One neighbor, Anthony Johnson, said it sounded like a gunbattle. "It sounded like someone was shooting, and then someone shooting back," he said. Aaron Barnes, who lives on Feather Duster Court, said he came home from work and saw the police helicopter. He heard gunfire and looked up the street to see his neighbor, Crump, firing a gun.

"He's my neighbor," a member of the rap group Desert Mobbi, was usually quiet, except for occasional loud music in the middle of the night.

Despite the barrage of gunfire, police officers tried to rescue Prendes. A plainclothes officer with the gang unit was armed with an assault rifle and helped turn the tide.

"His weapon probably saved the day," Young said.

That officer was shot in the leg during the attack. Police shot and killed Crump outside the front door.

About five or six officers fired their weapons at the incident. Their names will be withheld until 48 hours after the incident, which is department policy.

"This could have been a lot worse," Young said. "We are extremely fortunate that other police officers were not killed in this incident."

At UMC, dozens of somber uniformed and plainclothes officers gathered in front of the Trauma Unit to show their support for the wounded officer. Police sealed off the Trauma Unit entrance for hours, allowing only authorized personnel to use that entrance. Nearly all visitors were told to use a different hospital entrance.
Mr. SENSENBRENNER. Mr. Speaker, I yield 1/2 minutes to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I want to add my strong voice today in support of H.R. 4472, the Children’s Safety and Violent Crime Reduction Act of 2005. I also want to thank Chairman SENSENBRENNER for his solid effort in making sure that this House is once again on record in working to protect our children and our families.

I am pleased that an amendment that I offered to the original legislation last year, which was adopted with a unanimous vote, is included once again in today’s final bill.

My amendment requires the GAO to study the feasibility of implementing on a nationwide basis a tough annual driver’s license registration requirement that my home State of Nevada has imposed on sex offenders.

Just last month, it was reported that there are almost 2,000 convicted sex offenders living in Nevada that are out of compliance with these registration requirements. Something must be done to fix this national dilemma.

This bill takes a huge step forward in protecting the most vulnerable among us, our children.

Mr. CONyers. Mr. Speaker, I now yield to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE) 23 minutes.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman, and I can’t thank you enough for the work you have done in a bipartisan effort to preserve a very valuable piece of legislation, the hate crimes legislation that this Congress has gone on record any number of times to be able to support.

Mr. Speaker, I wish as I listened to my good friends on the other side of the aisle that we were squarely focused on protecting our children. In fact, I support the National Sex Offender Registry that is in this particular legislation, the sex crimes, that provides that if you will, a list of the sex offenders all over America. I think that is an important element. I obviously support the idea of preventing sexual assault on juveniles in prison and certainly the vetting of foster care parents that are taking care of our children. But I think the basic fault of this legislation doesn’t lie in the House, it lies in the majority leader of the Senate refusing to put this particular legislation on the floor of the Senate and going into conference.

My difficulty, of course, is the various kitchen sink elements that are included. I may want to see the Federal judges that are included and protected. I may want to see in this legislation protected, but have we vetted the question of allowing judges to carry guns in the courtroom? Should we not provide more resources to the U.S. marshals who are there to protect both the families of the judges and the people who are in the courtroom? Are we particularly studied on the issue dealing with juvenile crime? Time after time after time it has shown that the trying of a juvenile as an adult does not work. I believe more studied consideration of these legislative initiatives would represent the work of a studied body who cares about getting legislation that is going to withstand judicial scrutiny.

This legislation, which I am still in a dilemma over voting on, raises severe questions. Why didn’t the gun legislation get in that eliminates sex offenders from being able to recklessly carry guns? We want to protect our children. We want to pay tribute to Rachel, the daughter of John Walsh, and the legacy of his lost child and the many lost children that we don’t want to see happen again. But for God’s sake, can we do legislation that embraces all of us who believe in the necessity of protecting our children? Then we are wanting to do what is right and yet having legislation that doesn’t allow the vetting, the amending and the responsible consideration.

This bill that seeks to protect children has very many merits. I would just beg my colleagues to understand that this process must be one that can last and survive.

I can assure you that this will still have table time, because you have left off the hate crimes legislation which was a bipartisan effort. I ask my colleagues for consideration of this bill in the context in which I have discussed this legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to my Democratic friend from North Dakota (Mr. POMEROY).

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

Talk, talk, talk. The time for talking is over. Last week I had the opportunity to stand with people whose children have been taken from them, children who were victims of horrific crimes. So that their children not die in vain, these wonderful people, including Linda Walker, who is the mother of Drew Sjodin who lost her life in North Dakota, have focused their energies on trying to help keep other children safe and to keep them safe by giving families the information about dangerous, high-risk sex predators who are living in their communities.

It is time we move this bill forward so that it might be conferenced with action the Senate would take on similar legislation. I am not happy with the Senate’s handling of this proposal, not one bit, but I am not going to let some quest for perfection delay our efforts to make our families safer any longer. These families want action now, and this Congress should give it to them. Vote for this bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. POE).

Mr. POE. Mr. Speaker, I want to thank the chairman for making sure that our children are safer. The days of child predators playing hide and seek are over in this country. No longer will they be able to hide in our communities and seek out our children as their prey.

The national registration in this bill will help protect our children so that when child molesters leave our penitentiaries and move about from State to State, we will be able to keep up with them.

As many Members of the House, I am the parent of four children, three grandchildren and have been able to say to people who have lost their children to child predators who left penitentiaries and preyed against them, Mark Lunsford and Marc Klaas both came to Washington to talk about the loss of their children to these criminals.

We need to have a response, and the first duty of government, which is to protect the public and to protect our children, is the greatest cause that we can be involved in. As a member of the Victims Rights Caucus that was started with KATHERINE HARRIS and JIM COSTA, we support these efforts and applaud this act.

Mr. CONyers. Mr. Speaker, I am happy to yield the balance of our time to the Congresswoman from Wisconsin, TAMMY BALDWIN, a former member of the House Judiciary Committee.

Ms. BALDWIN. Mr. Speaker, I rise now to address the substance of this bill, but to address a matter that is most unfortunately missing from this bill. Today we consider H.R. 4472, the Children’s Safety and Violent Crime Reduction Act of 2005, under the suspension calendar, which, of course, means that amendments cannot be offered.

This bill encompasses H.R. 3132, the Children’s Safety Act of 2005, which passed the House in September of 2005. When that bill was on the floor, a hate crimes amendment was offered by the gentleman from Michigan (Mr. CONyers), and it passed by a strong bipartisan vote of 223–199. Yet despite that strong bipartisan support from both sides of this Chamber, the hate crimes provision has been stripped out of the bill before us today, and there is simply no good reason for the House to consider H.R. 4472 without hate crimes language.

I urge my colleagues to address the issues of crime reduction and child safety without acknowledging the terrorizing impact hate-motivated violence has in
our society, especially in subjecting groups of individuals to a debilitating state of fear for their safety and security. Hate crimes reduction is violent crime reduction, and it is about keeping millions of Americans, including children, safe from hate-motivated violence.

It is a shame that by introducing an ominous crime prevention bill and proceeding under suspension of the rules that the majority undermines the democratic process by doing an end run around the prevention of hate, my colleagues to bear these facts in mind as they consider this legislation.

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

Mr. Speaker, I include at this point in the RECORD a section-by-section analysis of H.R. 4472.

H.R. 4472—THE CHILDREN’S SAFETY AND VIOLENT CRIME REDUCTION ACT OF 2005

Sec. 101. Short Title. Short Title; Title of Convention of States and Jurisdictions to be established, maintain, publish and share sex offender registries.

Sec. 102. Declaration of Purpose. The Congress hereby declares that it is the purpose of this Act to establish, maintain, publish and share sex offender registries.

Sec. 103. Jurisdiction. Jurisdiction-wide sex offender registry consisting of the information required to be included in the registry of any sex offender lived and where the sex offender attends school.

Sec. 104. Sex Offender Registry. The Attorney General shall establish, maintain, publish and share a sex offender registry conforming to the requirements for Title I of the Act.

Sec. 120. This section creates the Drug Treatment Assistance Program to address the needs of sex offenders who are in need of treatment.

Sec. 121. This section requires each jurisdiction to maintain a jurisdiction-wide sex offender registry conforming to the requirements for Title I of the Act.

Sec. 122. This section requires an appro priate project for the electronic monitoring of registered sex offenders.

Sec. 123. This section requires the CyberTipline.

Sec. 124. This section provides that law enforcement agencies, and appropriate project for the electronic monitoring of registered sex offenders.

Sec. 125. This section requires the Attorney General to make available appropriate treatment to sex offenders who are in need of and suitable for treatment.

Sec. 126. This section requires the Attorney General to provide technical assistance to jurisdictions to assist them in the identification and location of sex offenders relo cated as a result of a major disaster.

Sec. 127. For the purposes of this Act, the term “federally recognized Indian tribe” does not include within its purview Alaska Natives.

Sec. 128. This section imposes a ten percent funding requirement for Title I.

Sec. 129. This section authorizes the Sex Offender Management Assistance Program to provide funding for the training and technical assistance to states, jurisdictions and public and private organizations, and to provide funding for the National Center for Missing and Exploited Children, to provide grants to states and jurisdictions to implement the sex offender registry requirements.

Sec. 130. This section authorizes the Attorney General to maintain a National Sex Offender Registry.

Sec. 131. This section requires the Attorney General to award grants to states that substantially implement electronic monitoring programs for life for certain dangerous sex offenders and for the period of court supervision for any other case.

Sec. 132. This section establishes the NCMEC with access to Interstate Identification Index data.

Sec. 133. This section provides NCMEC with limited immunity related to its CyberTipline.

Sec. 134. This section requires that the Bureau of Prisons make available appropriate treatment to sex offenders who are in need of and suitable for treatment.

Sec. 135. This section requires the GAO to conduct a study on the feasibility of using driver’s license registration processes as additional registration requirements for sex offenders.

Sec. 136. This section requires the Attorney General to provide technical assistance to jurisdictions to assist them in the identification and location of sex offenders relocated as a result of a major disaster.

Sec. 137. For the purposes of this Act, the term “federally recognized Indian tribe” does not include within its purview Alaska Natives.

Sec. 138. This section amends the privacy Act of 1974 when Congress created the first civil government for Alaska it decided that Alaska Natives should be subject at all locations in Alaska to the same civil and criminal jurisdiction as that to which non-Native residents of Alaska are subject.

Sec. 139. This section requires the Attorney General to maintain a National Sex Offender Registry.

Sec. 140. This section requires the Justice Department to study the effectiveness of restrictions on recidivism rates for sex offenders and to report back to Congress within 6 months of enactment.

Sec. 152. This section authorizes the Attorney General to assist in the apprehension of sex offenders who have failed to comply with applicable registration requirements.

Sec. 153. This section authorizes funding of such sums as necessary for the Attorney General to provide grants to States and other jurisdictions to apprehend sex offenders for failure to comply.

Sec. 154. This section creates an enhanced criminal penalty for use of a controlled substance against a victim to facilitate the commission of a sex offense; and a new criminal offense prohibiting Internet sales of certain “date-rape” drugs.

Sec. 155. This section repeals the predecessor sex offender registry program.

Sec. 156. This section authorizes grants to train and employ personnel to help investigate and prosecute cases that involve sexual abuse of children, including additional personnel and related staff, computer hardware and software necessary to investigate such crimes, and appropriate project for the electronic monitoring of registered sex offenders.

Sec. 157. This section requires the Justice Department to expand training efforts co-ordinated among participating agencies to combat on-line solicitation of children by sex offenders.

Sec. 159. This section amends the probation and supervised release provisions to mandate revocation when a offender commits a crime of violence or an offense to facilitate sexual contact involving a person under 18 years old.

Sec. 160. This section establishes an Office on Sexual Violence and Crimes Against Children.

Sec. 161. This section establishes an Office on Sexual Violence and Crimes Against Children.

Sec. 162. This section provides for Presidential appointment of a Director of the Office.

Sec. 163. This section states the purpose is to combat stop violent predators against children.

Sec. 164. This section amends the DNA Analysis Backlog Elimination Act to make a correction to ensure collection and use of DNA profiles from convicted offenders.

Sec. 165. This section directs the Attorney General to give appropriate consideration to training for collection and testing of DNA to stop violent predators against children.

Sec. 166. This section directs the GAO to conduct a study two years after the publication of the report on the extent to which States have implemented.

Sec. 167. This section modifies the existing statute and adopts new penalties for felony crimes of violence crimes committed against children.

Sec. 168. This section restricts federal habeas corpus remedies against claims relating to a state conviction.

Sec. 169. This section establishes victim rights requirements for habeas corpus proceedings.

Sec. 170. This section requires the Attorney General to study the implementation for a nationwide tracking system for persons charged and investigated as child sexual abuse offenders.

Sec. 171. This section modifies the criminal penalties for several existing sexual offenses
against children by amending the current law.
Sec. 402. This section expresses a sense of Congress with respect to renewal of criminal convictions of Jan P. Helder, Jr.
Sec. 403. This section authorizes a new grant program for child sex abuse prevention programs, and authorizes $10 million for fiscal year 2007.
Sec. 501. This section amends the Social Security Act to require each State to complete background checks and abuse registries related to any foster parent or adoptive parent application, before approval of such an application, and provides access to agencies responsible to the foster parent of adoptive parent placements.
Sec. 502. This section authorizes the Attorney General to provide fingerprint-based background checks to child welfare agencies, private and public educational agencies, and volunteers in order to conduct background checks for prospective adoption or foster parents, private and public teachers or school employees.
Sec. 503. This section amends section 2422(a) and (b) of title 18, United States Code, to increase penalties for coercion and enticement.
Sec. 504. This section increases mandatory-minimum penalties for conduct relating to child pornography, from a mandatory minimum of 10 years to a mandatory minimum of 30 years depending on the severity of the conduct.
Sec. 505. This section amends several statutes relating to sexual abuse.
Sec. 506. This section expands the list of mandatory conditions of probation and supervision to include submission by a sex offender under supervision to searches by law enforcement and probation officers with reasonable suspicion, and to searches by probation officers in the lawful discharge of their supervision functions.
Sec. 507. This section expands the federal jurisdiction nexus for kidnapping comparable to that of many other federal crimes to include travel by the offender in interstate or foreign commerce, or use of the mails or other means, facilities, or instrumentalities of interstate or foreign commerce in furtherance of the offense.
Sec. 508. This section restricts the scope of the common law marital privileges by making it inadmissible in criminal proceedings to introduce evidence of communications between a married couple except as the communications would be admissible in a criminal proceeding to introduce evidence of communications between a married couple except as the communications would be admissible in a criminal proceeding to introduce evidence of communications between a married couple except as the communications would be admissible in a criminal proceeding to introduce evidence of communications between a married couple except as the communications would be admissible in a criminal proceeding to introduce evidence of communications between a married couple except as the communications would be admissible in a criminal proceeding to introduce evidence of communications between a married couple except as the communications would be admissible in a criminal proceeding to introduce evidence of communications between a married couple except as the communications would be admissible in a criminal proceeding to introduce evidence of communications between a married couple except as the communications would be admissible in a criminal proceeding to introduce evidence of communications between a married couple except as the communications would be admissible in a criminal proceeding to introduce evidence of communications between a married couple except as the communications would be admissible in a criminal proceeding to introduce evidence of communications between a married couple except as the communications would be admissible in a criminal proceeding to introduce evidence of communications between a married couple except as the communications would be admissible in a criminal proceeding to introduce evidence of communications between a married couple except as the communications would be admissible in a criminal proceeding to introduce evidence of communications between a married couple except as the communications would be admissible in a criminal proceeding to introduce evidence of communications between a married couple except as the communications would be admissible in a criminal proceeding to introduce evidence of communications between a married couple except as the communications would be admissible in a criminal proceeding to introduce evidence of communications between a married couple except as the communications would be admissible in a criminal proceeding to introduce evidence of communications between a married couple except as the communications would be admissible in a criminal proceeding to introduce evidence of communications between a married couple except as the communications would be admissible in a criminal proceeding to introduce evidence of communications between a married couple except as the communications would be admissible in a criminal proceeding to introduce evidence of communications between a married couple except as the communications would be admissible in a criminal proceeding to introduce evidence of communications between a married couple except as the communications would be admissible in a criminal proceeding to introduce evidence of communications between a married couple except as the communications would be admissible in a criminal proceeding to introduce evidence of communications between a married couple except as the communications would be admissible in a criminal proceeding to introduce evidence of communications between a married couple except as the communications would be admissible in a criminal proceeding to introduce evidence of communications between a married couple except as the communications would be admissible in a criminal proceeding to introduce evidence of communications between a married couple except as the communications would be admissible in a criminal proceeding to introduce evidence of communications between a married couple except as the communications would be admissible in a criminal proceeding to introduce evidence of communications between a married couple except as the communications would be admissible in a criminal proceeding to introduce evidence of communications between a married couple except as the communications would be admissible in a criminal proceeding to introduce evidence of communications between a married couple except as the communications would be admissible in a criminal proceeding to introduce evidence of communications between a married couple except as the communications would be admissible in a criminal proceeding to introduce evidence of communications between a married couple except as the communications would be admissible in a criminal proceeding to introduce evidence of communications between a married couple except as the communications would be admissible in a criminal proceedings.
Sec. 101. This section amends United States Code to clarify venue in capital cases where murder, or related conduct, occurred. Sec. 101. This section extends the statute of limitations for violent crime cases from 5 years to 15 years after the offense occurred or the continuing offense was completed.

Sec. 102. This section permits admission of statements of a murdered witness to be introduced against the defendant who caused a witness’ unavailability and the members of the conspiracy if such actions were foreseeable to the other members of the conspiracy.

Sec. 103. This section authorizes the Attorney General to charge as an adult in federal court a juvenile who is 16 years or older and commits a crime of violence.

Sec. 104. This section amends title 18 to create a new enhanced criminal penalty when an illegal alien commits a crime of violence or a drug trafficking offense.

Sec. 105. This section requires the Department of Homeland Security to provide to the Department of Justice information about certain immigration violators so that such information can be included in national criminal history databases.

Sec. 106. This section requires the Attorney General and the Secretary of Homeland Security to jointly conduct a study on illegal immigration and gang membership.

Sec. 107. This section authorizes use of Byrne grants to State and local prosecutors to protect witnesses and victims of crimes; to fund new technology, equipment and training for law enforcement in order to increase accurate identification of gang members and violent offenders, and to facilitate coordination among law enforcement and prosecutors.

Sec. 108. This section reauthorizes the Gang Resistance Education and Training Program.

Sec. 109. This section authorizes the Justice Department to conduct a study.

Sec. 110. This section requires the Secretary of Health and Human Services, with the Justice Department, to create a national registry of substantiated cases of child abuse and neglect.

Mr. Speaker, when I was first elected to the Wisconsin legislature in 1968, one of my mentors warned me against making the perfect the enemy of the good, because if the perfect ends up defeating the good, then it doesn’t do enough, and we ought to add to and not subtract from this. But we tried that last year. We passed the core bills of three separate components of this bill, and they ended up getting stuck in the other side of the Capitol Building.

Honesty, our children, our judges, and all Americans can’t afford to wait any longer. The gentleman from North Dakota (Mr. POMEROY), I think, summed it up perfectly, that is, that the victims and their families cannot afford to wait any longer because of parliamentary objections to this, that and everything else.

Now, let us look at what this bill does. It allows a national registration of sex offenders so that we can get the over 100,000 convicted sex offenders who slipped through the registration cracks on the Internet so that people will know if they are in their neighborhood. If you defeat this bill, that is not going to happen.

This bill also prevents the sale of date-rape drugs over the Internet. If you defeat this bill, that is not going to happen.

The bill has a number of provisions to protect Federal judges and their families and courthouse and jail and court buildings so that we don’t have the tragedy that happened to Judge Lefkos in Chicago when two members of her family were murdered. You defeat this bill, our judges are going to be vulnerable.

Practically every community of over a quarter of a million in this country has faced the scourge of gangs. There is comprehensive gang law in this bill that will get our law enforcement to get to the ringleaders of these gangs and to arrest them and throw them into jail. That is going to make all of us safer. You defeat this bill, and that is not going to happen.

I want to see a law made, and those who have spoken in support of this motion to suspend the rules want to see this bill become law as quickly as possible. We have a commitment from the majority leader on the other side of the Capitol, if this bill passes today, to schedule it quickly. In the name of our children and all Americans, vote to suspend the rules.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
WASHINGTON, DC, MARCH 7, 2006.

Hon. Howard P. ”Buck” McKeon,
Chairman, Committee on Education and Workforce, House of Representatives, Washington, DC.

Dear Chairman McKeon: I am writing to confirm our mutual understanding regarding H.R. 4472, the “Children’s Safety and Violent Crime Reduction Act of 2005,” which is scheduled for floor action on Wednesday, March 8, 2006.

As you know, the Committee on Ways and Means has jurisdiction over matters concerning certain child welfare programs, particularly as they pertain to foster care and adoption. Section 502 of the bill would require States to check safety checks of would-be foster and adoptive homes as well as eliminate the ability of States to opt-out of Federal background check requirements restricting Federal support for children placed with foster or adoptive parents with serious criminal histories. Section 502 would require States to check child abuse registries for potential foster and adoptive parents. Thus these provisions fall within the jurisdiction of the Committee on Ways and Means. However, in order to expedite this bill for floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee’s position with respect to the appointment of conferees or its jurisdictional prerogatives on this bill or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 4472, 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.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
WASHINGTON, DC, MARCH 7, 2006.

Hon. Howard P. ”Buck” McKeon,
Chairman, Committee on Education and Workforce, House of Representatives, Washington, DC.

Dear Chairman McKeon: I am writing to confirm our mutual understanding with respect to the consideration of H.R. 4472, the Children’s Safety and Violent Crime Reduction Act of 2005. Title XI of the manager’s amendment implicates the jurisdiction of the Committee on Education and Workforce, and appreciate your willingness to forego consideration in order to facilitate floor consideration of this legislation. I agree that your decision to waive consideration of the bill should not be seen as a limitation of the jurisdiction of the Committee on Education and Workforce over H.R. 4472 or similar legislation, or otherwise prejudice your Committee with respect to the appointment of conferees to this or similar legislation.

Sincerely,

F. James Sensenbrenner, Jr.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
WASHINGTON, DC, MARCH 7, 2006.

Hon. Howard P. ”Buck” McKeon,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

Dear Mr. Chairman: I am writing to confirm our mutual understanding with respect to the consideration of H.R. 4472, the Children’s Safety and Violent Crime Reduction Act of 2005. Title XI of the manager’s amendment to be considered under the suspension of the rules, contains the CHILDHELP National Registry and is within the jurisdiction of the Committee on Education and the Workforce.

Given the importance of this legislation and your willingness to work with me in drafting the final language of Title XI, I will support the inclusion of this provision in the manager’s amendment without consideration by my committee. However, I do so only with the understanding that this procedural route should not be considered favorable to the Committee on Education and the Workforce’s jurisdictional interest and prerogatives on these provisions or any other similar legislation and that the provision be considered as precedent for consideration of matters of jurisdictional interest to my committee in the future. Furthermore, should these or similar provisions be considered in conference with the Senate, I would expect members of the Committee on Education and the Workforce be appointed to the conference committee on this legislation.

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

Sincerely,

Howard P. ”Buck” McKeon,
Chairman.

H.D. HENRY B. BUCK McKEON,
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

Dear Chairman Sensenbrenner: I am writing concerning H.R. 4472, the “Children’s Safety and Violent Crime Reduction Act of 2005,” which is scheduled for floor action on Wednesday, March 8, 2006.

As you know, the Committee on Ways and Means has jurisdiction over matters concerning certain child welfare programs, particularly as they pertain to foster care and adoption. Section 502 of the bill would require States to conduct safety checks of would-be foster and adoptive homes as well as eliminate the ability of States to opt-out of Federal background check requirements restricting Federal support for children placed with foster or adoptive parents with serious criminal histories. Section 502 would require States to check child abuse registries for potential foster and adoptive parents. Thus these provisions fall within the jurisdiction of the Committee on Ways and Means. However, in order to expedite this bill for floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee’s position with respect to the appointment of conferees or its jurisdictional prerogatives on this bill or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 4472, 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.
2006. I agree that sections 501 and 502 impli-
cate the jurisdiction of the Committee on Ways and Means, and appreciate your will-
ingness to forego consideration in order to facilitate floor consideration of this legisla-
tion. I agree that your decision to waive con-
sideration of the bill should not be construed to limit the jurisdiction of the Committee on Ways and Means. I hope that H.R. 4472 or similar legislation, or otherwise prejudice your Com-
mittee with respect to the appointment of conferees to this or similar legislation.

Sincerely,
F. JAMES SENNENBRENNER, Jr.,
Chairman.

Mr. STARK. Mr. Speaker, I rise in opposi-
tion to H.R. 4472, the Children’s Safety and Violent Crime Reduction Act. Once again, this Congress is attempting to address very seri-
sous and complicated problems with a law that substitutes the talking points of “tough on crime” politicians for the wisdom of judges, prosecutors, treatment professionals and child advocates. As a father and someone who has fought for better foster care, education, and health care for children, I object to this ill-con-
cieved legislation that is as much an attack on society. Judges serve a very important role in the current law, we believe that the United States

MARCH 7, 2006.

DEAR REPRESENTATIVE CONYERS: On behalf of the Judicial Conference of the United States, the policy-making body of the fed-

eral judiciary, I am writing to convey its views regarding the provisions contained in H.R. 4472, the “Children’s Safety and Violent Crime Reduction Act of 2005.

We would like to reemphasize that there are several ways in which this bill will be helpful to the Judiciary, even though there are some provisions about which we have concerns or that we could wish were different. We greatly appreciate inclusion in this bill of important measures designed to improve the security of our federal courts. Some of the impetus for these court security provisions in the bill arose from the tragic cir-
cumstances surrounding the murder of fam-
ily members of Judge Joan LeFkow of the United States District Court for the North-
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requirements of the federal branch. While this is a positive amendment to cur-
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ordinate” such security requirements.

The bill contains two other provisions that are supported by the Judicial Conference in-
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cial Conference.
are writing at this time to express our very deep concerns about recently introduced H.R. 4472. This “ombibus” bill incorporates several separate bills; two of these bills have been of particular concern to the supporters of the Children’s Defense Fund and the National Juvenile Delinquency Prevention Coalition as being harmful and detrimental in many ways to the best interests of youth.

Specifically, the National JJDP Coalition objects to provisions of Title I, Sex Offender Registration and Notification Act, and Title VIII, Reduction and Prevention of Gang Violence.

TITLE I: SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

The National JJDP Coalition strongly believes that juvenile offenders adjudicated delinquent of sex offenses should be excluded from registration and notification requirements. Youth are sex offenders and the state-level sex offender registries required by H.R. 4472. While we understand that certain Tier I juvenile sex offenders may not be included on the internet or subject to all of the program notification requirements, we believe that this potential remedy does not do nearly enough to differentiate between juvenile and adult sex offenders and simply cannot safeguard juveniles in accordance with established principles of justice. Without the benefits of careful risk assessments and judicial review for each juvenile sex offender, youth who pose no future risk to public safety will have their privacy invaded and their futures inevitably compromised by their inclusion in the registry. We throw away these youth at great cost to our own public safety and future interests.

Critically, the increased penalties in Titles III and IV of H.R. 4472 fail to acknowledge the research on adolescents, generally, and adolescent sex offenders, in particular. In creating prohibitions, without the benefit of data and future research, around this issue, it is imperative that policymakers rely on the vast scientific literature distinguishing the behavior of juveniles and adults. Research has consistently shown that youth who act out sexually differ significantly from adult sex offenders. First, juvenile sex offenders who act out sexually do not engage in predatory behavior as much less dangerous. In contrast, adult sex offenders prey on the vulnerable. Moreover, putting the transfer decision in the sole discretion of a prosecutor, not a judge as the law currently requires, violates the equal protection clause of the constitution and would also expand the number of youth charged with the same types of offenses.

Further, minority youth will be disproportionately affected by this policy. Recent studies by the Department of Justice have shown that more than 7 out of 10 youth admitted to state prisons across the country were youth of color. Youth of color sent to adult court are also over-represented in charges filed, especially for drug offenses, and are more likely to receive a sentence of incarceration than White youth even when charged with the same types of offenses. Moreover, putting the transfer decision in the sole discretion of a prosecutor, not a judge as the law currently requires, violates the equal protection clause of the constitution.

We urge you to strike the provisions we have described herein from H.R. 4472 that would place youth on a National Registry and would also expand the number of youth tried as adults and remove judicial discretion from the transfer decision. As advocates for at-risk youth, we are also strong advocates of community safety. But these provisions will not increase community or child safety, they will in fact have the opposite effect. Extensive data and research-based practice supports the positions of the National Juvenile Delinquency Prevention Coalition. We urge you to utilize this evidence in creating policy that will genuinely contribute to enhanced community safety and lower recidivism as well as treatment support system-involved youth in getting on the path to productive adulthood.

We appreciate your consideration of our concerns. If you have any questions or concerns, please do not hesitate to contact Morna Murray at the Children’s Defense Fund at 202.662.3577 or mmurray@childrensdefense.org or Elizabeth Gladden at the National Juvenile Defender Center at 202.452.0010, x103, egladden@njdc.info.

Sincerely,

Morna A. Murray
Children’s Defense Fund, Co-chair, National Juvenile Justice and Delinquency Prevention Coalition;

John Tuel

Mr. CONYERS. Mr. Speaker, I submit the following items for inclusion in the Record regarding the House floor consideration of H.R. 4472 on March 8, 2006.

In New Jersey, the Office of the Public Defender represents all indigent persons entitled to court-appointed counsel concerning the Megan’s Law tier classification and community notification proposed by them for the State. Over the past ten years the Office has served as counsel for 60% of persons challenging their tier levels in New Jersey—nearly 3000 cases in a state where approximately 5000 such cases have been adjudicated.

Based upon our long and extensive experiences with New Jersey’s system of notification and its registrants, as well as our contact with renowned experts in the field of sex offender recidivism, the Coalition believes it has a unique perspective to provide the House with comments concerning H.R. 4472 (the Children’s Safety and Violent Crime Reduction Act) currently pending a vote on the House floor.

Our comments focus on four aspects of the current bill. First, unlike the Senate bill on the same topic (S. 1086) the House bill will have a significantly more impact on many juveniles, subjecting them to notification in their neighborhoods and via the Internet for possibly 20 years. This would in fact undue hardship, given the low risk of re-offense juvenile sex offenders pose to the public and their strong amenable to treatment, is often not justified by a public safety need.

Second, the notification required by H.R. 4472 will apply to thousands of persons in each state, requiring notice to registrants’ neighborhoods and around their work and school, and via the Internet. The proposed notification would include home addresses and places of employment. Neighborhood notification is currently reserved only for New Jersey’s approximately 150 high risk offenders, but as proposed under H.R. 4472 would apply to thousands of registrants. Based on our experience and research, the expanded notification will predictably lead to large numbers of offenders becoming homeless and unemployed.

Because this form of notification will underrive the ability of many registrants to maintain stable housing, steady employment and ongoing treatment, it will have a marked impact on registrants’ risk levels and opportunities to remain off free, and thus will negatively affect public safety.

Third, by impacting on registrants’ abilities to provide for their families, it is clear by experts that H.R. 4472 will severely impede the implementation of sex offender monitoring programs like New Jersey’s Community Supervision for Life and Parole for Life programs, which are designed to prevent future reoffending by registrants. See N.J.S.A. 2C:43-6.3. As discussed below, due to the form of neighbor-
form of Internet and community based notification, without an individualized risk assessment, despite vast differences among offenders’ risk-of-re-offense levels. By treating persons with vastly different risk levels identically, H.R. 4472 creates the misimpression that all offenders pose the same risk. Thus, the bill dilutes the value of notification, by diverting attention from those posing the greatest risk.

1. H.R. Will Inflict Undue Hardship on Juvenile Offenders Without a Corresponding Benefit to Public Safety.

Sections 111 and 122 of the bill would provide a limited exception from public notification to juveniles, however, the bill requires juvenile offenders deemed a tier II to be subject to 20 years of public notification to communities and via the Internet. Sec. 111 (6). Sec. 122 (c). Juveniles with even lower risk may even be deemed a tier III since the victim involved would likely be less than 13 years of age. See Sec. 111 (7). These two determinations and the resulting public notification would occur without any individualized assessment of whether the juveniles involved posed anything more than a low risk of re-offense.

Five decades of follow-up studies demonstrate that the vast majority of juveniles who re-offend do so during their first five years in the community. Studies have consistently found that sex offense recidivism rates among juveniles are among the lowest of all such offenders—less than 8% in most follow-up studies.

Moreover, studies demonstrate that the motivation and manifestation of sexually inappropriate behaviors of juveniles are very different than those of adult offenders. And, children with sexual behavior problems generally respond well to treatment interventions. But, if left untreated, however, it will mean that children will be stigmatized for life on the basis of their childhood behavior. Despite the questionable public safety community notification involving juveniles, it is likely to stigmatize them fostering peer rejection, isolation, and increased anger. This impact can prevent juvenile offenders from realizing the benefits of effective treatments. The proposed notification and the ensuing stigma will also result in such persons being denied fair opportunities for employment, education, and housing despite the low risk of recidivism they typically pose. Accordingly, the bill will have a detrimental impact on our society by recognizing that most youth who break the law during childhood can and will mature out of this behavior with appropriate guidance and treatment.

Thus, the bill would inflict undue hardship on juveniles, impacting their entire lives, and is not justified by a public safety need. Rather than resort to such a counterproductive approach, as the above cited experts recommend, treatment and supervision should be emphasized for this group of offenders.

2. The Notification Scheme In H.R. 4472 Will Deny Many Registrants, Including Those Whose Supervision Is Moderated, Of The Basic Means To Live Productively In Society With the Unintended Consequence of Increasing Their Risk Of Re-Offense.

H.R. 4472 in most cases uses the same public notification would be provided to registrant’s neighborhoods and in the vicinity where they work and attend school, regardless of their different risk levels. (See Sec. 122(b),(c)). In addition, without determining the actual risk a registrant poses, that notification will include both a registrant’s home address and the address of his employer. Sec. 114(a)(3),(4). Moreover, the bill applies retroactively to all applicable offenses.

As set forth above, notification to a registrant’s immediate neighbors is currently reserved for roughly 160 high risk registrants in New Jersey. Due to the impact on an offender’s life that the notice will have, this small number of registrants is designated “high risk,, dangerous,” and court hearing (if requested), showing that the registrant’s risk justifies neighborhood notification. Our experience demonstrates that notification (whether via the Internet or provided in a registrant’s neighborhood) containing an employer’s name and address will frequently result in the registrant’s termination, or at least, threaten to frequent the business, and employers subjecting the employer to enormous pressure to fire the offender.

Likewise, New Jersey registrants subject to neighborhood notification providing their home addresses are often uprooted from families, move to homeless shelters, or lose their jobs. Typically this is due to landlords being pressured by surrounding homeowners to evict the registrant. And in cases where registra-
to their homes, and eventually become homeless. It is predictable that substantial numbers of registrants will become homeless.

Furthermore, homeless and jobless registrants are, of course, unable to pay for sex offender just substance abuse treatment which have been proven to markedly reduce re-offense risk. Also, we have witnessed how the desperation caused by this homeless and jobless state has led our clients to suffer severe stress, and relapse into substance abuse, and other high risk behaviors for recidivism. Thus, the notification proposed by the bill to a special probation officer at home, attend sex offender and/or substance abuse treatment, or provide them with the close supervision needed to reduce recidivism rates. The State’s efforts to assist registrants in keeping stable housing or a job under the requirements of parole, will be frustrated.

When we explained to a New Jersey parole officer that the proposed legislation would put the addresses of many sex offenders’ employers on the Internet, and be provided to offenders’ neighbors or to persons living around their employers, she stated that her parolees would “spiral downward,” and that they “wouldn’t care” about trying to keep from re-offending. She stated, “Our job would be so difficult. . . .it’s hard enough for them to get a job.”

Finally, she expressed concern that most of our clients end up in “homeless shelters” where there is an increased risk of disappearance or committing a new offense of some kind”—either a non-sexual criminal offense or possibly a sexual offense.

In addition to Community and Parole Superintendents for Life, New Jersey assigns special probation officers to exclusively monitor sex offenders while on parole (prior to implementation of their special sentence order). This is due to the fact that so many, many people re-offending—what else could they do?” When asked if he thought these provisions would cause many registrants to lose their parole, he replied, “Absolutely. I can’t imagine anyone would want them.” He explained that without work,
housing, and normal responsibilities’ the registrants would have “no self esteem.” He said that they “would not listen to me,” and would likely “go out and assault someone else.”

Thus, there is serious concern that the basic purpose of the registration provisions of Model Act is to enable the community to identify and supervise the known sex offender in the course of investigating new offenses, monitor registrants, and explore allegations of misconduct. Instead, research has found that effective treatment substantially reduces the likelihood that sex offenders will commit a new offense, and thus serves to substantially undermine the notification provision of H.R. 4472.

Over the past dozen years, New Jersey and other states have developed as laboratories for experimentation with sex offender registration and notification procedures. During this period, many states have established effective and ongoing treatment programs, which have resulted in a significant decrease in recidivism levels. See CSOM, Recidivism of Sex Offenders (May 2001) (citing study found a 4% rate of recidivism for inmates). Indeed, we strongly recommend that these states be consulted closely on H.R. 4472 and given a chance to comment or give testimony about the wisdom of the bill and how it may impact existing, effective law enforcement programs.

All Registrants Should Not Be Subject to the Same Form of Notification. Rather, the Bill Should Require a Risk Assessment and A Tiered Approach to Community Notification of Sex Risk.

Pursuant to Section 122 of the bill, all “sex offenders,” regardless of their tier determination, are subject to identical public notification procedures and the Internet. See Sec. 122(b) (making the only potential exception a Tier I, sex offender whose offense was a juvenile adjudication).

It has been our experience that, even if a registrant’s tier is included in the notice, this approach will create the misimpression that all offenders pose the same risk. Thus, it will dilute the effectiveness of notification by focusing the public’s attention on the offenders truly posing a significant risk of recidivism. This can be avoided, as occurs in New Jersey and other states, by providing notice to neighborhoods (as opposed to Internet notification) only in cases of significant risk. This determination can be made by using available risk assessment tools that validity and economically demonstrate risk level.

Empirical studies conducted at the behest of or relied upon by both the federal government and the states confirm that sex offender re-offense rates vary greatly among different categories of offenders. See CSOM, Myth of the Sex Offender (2002); Myth of the Sex Offender (August 2000) (citing various studies regarding recidivism rates and noting: “Persons who commit sex offenses are not a homogenous group, but instead fall into several different categories. As a result, research has identified significant differences in re-offense rates in even one category to another.”) For instance, studies and experts conclude that incest offenders present a very low risk of re-offense. See CSOM, Recidivism of Sex Offenders (Sept. 2001) (citing study demonstrating 7.2% recidivism rate with relapse prevention treatment vs. 13.2% of all treated offenders vs. 17.6% for untreated offenders; Ten Year Recidivism Follow-up of 1989 Sex Offender Releases, State of Ohio Dept. of Rehabilitation and Correction (April 2001) (sex-related recidivism after basic treatment vs. 63% for parolees; comparison is as compared to 16.5% without programming).

Further studies cited by CSOM and ATSA recognize the positive impact that steady employment, stable housing, ongoing treatment and avoiding isolation play in reducing recidivism levels. See CSOM, Recidivism of Sex Offenders, supra.; ATSA, Ten Things You Should Know About Sex Offenders and Treatment, supra. Thus, while there is an array of well-recognized factors impacting the success of new notification to the public, H.R. 4472 fails to consider any, and instead would compel participating states to label registrants based solely on their offenses. It is impossible to establish the identical type of notification for the overwhelming majority of offenders. This system will unwisely overload the public with thousands of offenders, and planlessly prevent the public from making informed decisions about which truly pose a significant risk.

See In re Registrant E.I., 300 N.J. Super. 519, 695 A.2d 255 (App. Div. 1997) (“Application of a ‘surgical’ application of a notification law will ‘impede its beneficial purpose’); E.B. v. Verniero, 119 F.3d 1077, 1107-08 (3d. Cir. 1997) (increased public notification which provides the most benefit to neighborhoods and via the Internet with other information are also considered. Significant, the system as a whole tends to encourage registrants to continue their rehabilitation when the court fairly considers the efforts of the individual to rehabilitate, and his years of successful adjustment to the community without further offense.

Other factors regarding risk that may be considered include whether the registrant is very ill, elderly and infirm, or wheelchair bound, so as to pose only a low risk for re-offense to the community.

There is serious concern that the proposed new federal death penalties and almost 100 new discriminatory mandatory minimums will make the efforts of the individual to rehabilitate, and his years of successful adjustment to the community without further offense.

Other factors regarding risk that may be considered include whether the registrant is very ill, elderly and infirm, or wheelchair bound, so as to pose only a low risk for re-offense to the community.

We therefore recommend that H.R. 4472 be amended to permit states, (like New Jersey, Massachusetts and New York), to participate in the federal program yet maintain systems which allow for accurate determinations of the true risk of recidivism for registrants and provide forms of notification which are commensurate with that risk. This will also aid the public to judge the difference between offender risk levels. Moreover, it will permit states to meaningfully implement programs and to monitor them under the regulations provided by those statutes so that they can maintain the stable housing, jobs and treatment needed to continue to pose as low a risk of re-offense as possible.

Respectfully submitted,

MICHAEL Z. BUNCHE,
Deputy Public Defender,
State of New Jersey, Office of the Public Defender.

Mr. SCOTT of Virginia. Mr. Speaker, I submit the following items for inclusion in the Record regarding the consideration of H.R. 4472 on March 8, 2006.

OPPOSE H.R. 4472, THE CHILDREN’S SAFETY AND VIOLENT CRIME REDUCTION ACT OF 2005

DEAR REPRESENTATIVE: On behalf of the American Civil Liberties Union, a non-partisan organization with hundreds of thousands of activists and members and 53 affiliates nation-wide, we write to express our opposition to H.R. 4472, the Children’s Safety and Violent Crime Reduction Act of 2005 (“Omnibus Crime”). H.R. 4472 would create ten new federal death penalties and almost 30 new discriminatory mandatory minimums. These amendments are an unproven, ill-considered speech, effectively eliminate federal and state prisoners’ ability to challenge
wrongful convictions in federal court, make it more difficult to monitor sex offenders and create more serious juvenile offenders by incarcerating children in adult prisons. H.R. 4472 is a vote on the House floor on Wednesday, March 8, 2006; we strongly urge you to oppose this legislation.

Congress should not expand the federal death penalty until it ensures innocent people are not on death row.

The death penalty is in need of reform, not expansion. According to the Death Penalty Information Center, 123 prisoners on death row have now been exonerated. Crime problems, including inadequate defense counsel and racial disparities, plague the death penalty system in the United States. The expansion of discretion for gang and other crimes creates an opportunity for more arbitrary application of the death penalty.

In addition to expanding the number of federal death penalty crimes, this bill also expands venue in capital cases, making any location even tangentially related to the crime a possible site for the trial. This raises constitutional as well as public policy concerns. The U.S. Constitution states that “the Trial of all Crimes . . . shall be by Jury; and shall be held in the State where the said Crimes shall have been committed.” This concept is important in order to prevent undue hardship and partiality when an accused person is prosecuted in a place that has no connection to the offense with which he is charged. This proposed change in H.R. 4472 would increase the inequities that already exist in the federal death penalty, giving prosecutors tremendous discretion to “forum shop” for the most death-friendly jurisdiction in which to try their case.

In clash cases, this legislation would effectively relieve the government from having to prove that a person intended to cause the death of a person before being subject to the death penalty. This provision is likely unconstitutional in the context of capital cases. In addition, the bill would allow the death penalty for attempted and conspiracy in carjacking cases, which we believe is unconstitutional.

H.R. 4472 amends the already broad definition of “formal or informal gang” to include a group of three or more people who commit two (2) or more “gang” crimes. The number of people required to form a gang decreases from five (5) people in an ongoing group under current law to three (3) people who could just be associates or casual acquaintances under this proposed legislation. Under current law it is essential to establish that a gang had committed a “continuing series of offenses.” By eliminating this requirement, H.R. 4472 defeats the purpose of the gang law, i.e. to target criminal activity that has some type of connection to a tight knit group of people that exists for the purpose of engaging in illegal activities.

H.R. 4472 jeopardizes a person’s right to a fair trial.

Innocent people could be convicted of crimes they did not commit. The statute of limitations is extended as proposed in this legislation. The Omnibus Crime bill proposes to extend the statute of limitations for non-capital crimes of violence. Generally, the statute of limitations for non-capital federal crimes is five (5) years after the offense is committed. Fifteen years after a crime is committed, alibi witnesses could have disappeared or died, other witnesses’ memories could have faded and evidence may be unreliable. The use of questionable evidence could affect a person’s rights to a fair trial and to defend himself against charges and to receive a fair trial.

This legislation would also preclude defense attorneys in child pornography cases from obtaining possession of the alleged child pornography, possibly depriving the defendant of a fair trial. This provision is entirely unnecessary, since federal courts routinely issue extremely restrictive protective orders regarding alleged child pornography. These protective orders preclude duplication of the material and is, in fact, child pornography.

H.R. 4472 erodes federal judges’ sentencing discretion by proposing harsher mandatory sentences.

This legislation would create 29 new mandatory minimum sentences that would result in unfair and discriminatory prison terms. Many of the criminal penalties in this bill are mandatory minimum sentences, including the sentence for second-degree murder that would be a mandatory sentence of 30 years. Although, in theory, mandatory minimums were created to address disparate sentences that resulted from indeterminate sentencing systems, in reality they shift discretion from the judge to the prosecutor. This provision holds all the power over whether a defendant gets a plea bargain in order for that defendant to avoid the mandatory sentence. This creates unfair and inequitable sentences for people who suffer similar crimes, thus contributing to the very problem mandatory minimums were created to address.

People could be convicted of a “gang” crime even if they are not members of a gang.

This legislation would impose severe penalties for a collective group of three or more people who commit “gang” crimes. This bill amends the already broad definition of “criminal street gang” to an even more ambiguous standard of a formal or informal group of three (3) or more people who commit two (2) or more “gang” crimes. The number of people required to form a gang decreases from five (5) people in an ongoing group under current law to three (3) people who could just be associates or casual acquaintances under this proposed legislation. Under current law it is essential to establish that a gang had committed a “continuing series of offenses.” By eliminating this requirement, H.R. 4472 defeats the purpose of the gang law, i.e. to target criminal activity that has some type of connection to a tight knit group of people that exists for the purpose of engaging in illegal activities.

This provision of the bill has serious implications for the independence of the federal judiciary. Congress’ attempt to strip Article III courts of their constitutional habeas corpus jurisdiction is in direct violation of the doctrine of Separation of Powers. Removing jurisdiction over many habeas claims from Federal courts ignores the Separation of Powers doctrine by allowing the courts to decide their own role in the federal judiciary. Congress should not impose restrictions on the role of the courts in upholding constitutional rights of prisoners.

H.R. 4472 would result in the routine collection and permanent retention of DNA samples and profiles from innocent people.

The “Violence Against Women Act of 2005” (VAWA) was signed into law on January 5, 2006, (P.L. No: 109-162) and dramatically expanded the powers of state government to collect and permanently retain DNA samples. Under this law, persons who are merely arrested or detained by federal authorities would be forced to have their DNA collected and stored alongside those of convicted felons in the Federal DNA database. However, under current federal law, DNA samples can only be voluntarily submitted to law enforcement authorities. DNA samples are not included in the Combined DNA Indexing System (CODIS). In addition, DNA samples of those convicted of crimes can be expunged from CODIS upon receipt of a “certified copy of a final court order establishing that such charge has been dismissed or has resulted in an acquittal.”

However, H.R. 4472 would permit voluntarily submitted samples to be included in CODIS and would eliminate the expungement provision for people whose DNA was incorporated in the federal database based on an arrest that never resulted in a conviction. Retaining a person’s DNA in a national database is like keeping an automatic suspect for any future crime. This is problematic for any category of tested persons, but especially for those who have been arrested but not convicted of a crime.

In addition, the Omnibus Crime bill would allow states to upload to CODIS DNA samples submitted voluntarily in order to eliminate those laws as suspects of a crime. This will increase the use by law enforcement of DNA “sweeps” and reducing the willingness of citizens to cooperate with the police.

H.R. 4472 will make it more difficult to monitor sex offenders by simply forcing offenders to understate and involvement in productive activities.

The proposed legislation requires sex offenders to update registry information within 120 days of a change of residence, employment or student status. This requirement is unrealistic and works against the goal of being able to monitor sex offenders. If the registration requirements were made specific, offenders will fail to register and end up underground, which is contrary to the goal of tracking and locating them. Under the Omnibus Crime bill, someone is required to verify sex offender registry information in persons possibly as frequently as once every three months and required to verify their residences as often as once every month depending on the class of offender. This will be an enormous burden on the states to create and implement systems to track sex offenders’ movements.

The bill will also require the work addresses of sex offenders to be available on the Internet. Publicizing information about employers could ultimately lead to employers refusing to hire former sex offenders. Research has shown that significant supervision upon reentry involves the involvement of victims. These activities are critical to preventing sex offenders from reoffending. Limiting the opportunities...
of sex offenders to maintain gainful employment is counter-productive to their rehabilitation as well as to keeping communities safe.

CHILDREN WOULD BE PUT IN FEDERAL PRISON WITH LITTLE OPPORTUNITY FOR EDUCATION OR REHABILITATION

Under the Omnibus Crime bill, more children accused of crimes would be being tried in Federal court and incarcerated in adult prisons. H.R. 4472 would give prosecutors the discretion to determine when to try a child as a Federal offense and as an adult. If the juvenile is 16 years of age or older and commits a crime of violence. The decision of whether to try a juvenile as an adult cannot be reviewed by a judge under this legislation. This unreviewable process of transferring youth to adult Federal court is problematic and should not be routinely prosecuted in the Federal system and there are no resources or facilities to address the needs of youth.

For the above-mentioned reasons, we urge members to oppose H.R. 4472 when the House votes on the bill on March 8, 2006.

Sincerely,

CAROLINE FREEDRICKSON,
Director,
JESSELYN McCurdy,
Legislative Counsel

HUMAN RIGHTS WATCH LETTER

DEAR MEMBERS OF THE HOUSE OF REPRESENTATIVES: We write to urge you to vote against the Omnibus Crime Bill, H.R. 4472, which is scheduled for a vote on Wednesday, March 8, 2006. This legislation would not be in the best interest of the Attorney General subject children to adult trials and adult penalties, impose a wide array of new, harsh mandatory minimum sentences, and mandate prolonged registration for former sex offenders, even if they have remained offense-free for decades after their release from prison.

The following provisions of the bill are of particular concern:

Juvenile Transfer Provisions: Under this legislation, the Attorney General could make unreviewable and unilateral decisions to subject children to adult trials and adult sentences. Under current law, children can generally only be tried and sentenced as adults after a transfer hearing, where a court considers the age and background of the child and determines whether a transfer serves the interest of justice. Under H.R. 4472, these teenagers would be subject to adult trials and penalties for life without parole, regardless of their vulnerability and capacity for reform.

More than 20 years of experience across the nation have shown that requiring children to adult sentences is an ineffective, unjust, and costly means of combating crime. Certainly, children can and do commit terrible crimes, and when they do, they should be held accountable. Yet, they should be held accountable in a manner that reflects their special capacity for rehabilitation. There is no legitimate basis for granting the Attorney General the unchecked authority to subject an increasing number of children to adult sanctions.

Mandatory Minimums: The legislation would impose harsh, new mandatory minimum sentences for a wide array of crimes, including crimes of conspiracy, aiding, and abetting. Punishment should be tailored to the conduct of the individual, including his or her role in the offense, and his or her culpability. Blan- ket mandatory minimums tied to one or two factors do little to protect community safety at high risk of violent crime.

H.R. 4472 addresses the growing national problem of violence against those working to uphold the law. Although crime is down nationwide, threats and attacks against police officers, judges, and witnesses continue to escalate. According to the Federal Bureau of Investigation (FBI), between 1994 and 2003, 616 law enforcement officers were murdered in the line of duty. This includes 59 officers from my home state of California, the most of any state.

Murdering a law enforcement officer is an especially despicable and heinous crime. Tragically, California lost one of its courageous officers nearly four years ago and only recently has the suspected killer been apprehended. Los Angeles County Sheriff’s Deputy David March was brutally slain execution style during a routine traffic stop on April 29, 2002. The suspect, Armando Garcia, fled to Mexico within hours of Deputy March’s death and had eluded prosecution by U.S. authorities.

Mexico’s refusal to extradite individuals who may face the death penalty or life imprisonment had uncomplicated efforts to bring Garcia back to the U.S. to face justice.

Over the last four years, Deputy March’s family and friends, fellow law enforcement officers, local public officials and my colleagues in Congress have worked together to find a resolution to this horrible situation. Mr. Speaker, we must protect our Nation’s sovereignty and ensure that criminals who break our laws and flee the country are brought to justice here at home. That is why we urged President Bush and officials at the State and Justice Departments to take aggressive action to change Mexico’s extradition policy. We met with officials in the Mexican government to urge them to change their extradition policy. I even argued before Mexican Supreme Court justices on the intolerable nature of their extradition rulings.

Last year, my friend from Pasadena, Mr. SCHIFF, and I introduced H.R. 3900, the Justice for Peace Officers Act, with the strong support of Los Angeles County Sheriff Lee Baca. The bill makes it a federal crime to kill a peace officer and flee the country; provides for the possibility of federal prosecution; and it allows for punishment by the death penalty or life imprisonment. I am especially pleased that Chairman SENSENBRENNER and Mr. SCHIFF included Garcia’s extradition from this bill in H.R. 1751, and now in H.R. 4472. Specifically, this provision makes it a federal crime to kill a law enforcement officer, and it makes such a crime punishable by the death penalty, life imprisonment or a mandatory minimum of 30 years in prison. In addition, the bill adds a mandatory minimum, or life penalty, on top of the punishment for killing a law enforcement officer if the suspect flees the country to avoid prosecution.

This is a national problem that will now receive national attention. Making it a federal crime to kill a peace officer will provide another critical tool to pursue and punish cop-killers on the federal level. This provision also ensures that criminals who murder law enforcement officers and escape to another country will have the full weight of the Federal Government on their trail.

Mr. Speaker, last year, we experienced a tremendous breakthrough in our efforts. In November 2005, the Mexican Supreme Court
issued a ruling to allow extradition for suspects facing life in prison in the U.S. for their crimes. The decision, which overturns a four year old ban on such extraditions, will now pave the way for more extraditions to the U.S. from Mexico.

And on February 23, Mexican law enforcement agents, acting on information provided by the U.S. Marshals Service, Los Angeles County Sheriff's Department and Los Angeles County District Attorney's Office, apprehended Armando Garcia in the Guadalajara suburb of Tonalá. He is now in custody and U.S. authorities are taking steps to extradite him to the U.S.

Mr. Speaker, the capture of Armando Garcia is a victory for justice and, most important, for the March family. Law enforcement on both sides of the border deserve tremendous credit for working together and staying on his trail for nearly four years. This success demonstrates the importance of an ongoing dialogue between our two countries.

While approving H.R. 4472 is a bold step toward enhancing protection of peace officers, we must continue our efforts to prevent tragedies like Deputy March's murder from ever happening again. I firmly believe that the Administration should use all available resources to bring about a change in policy in any country that refuses to extradite murderers to the U.S. who face the death penalty or life imprisonment for crimes they committed on our soil.

Mr. Speaker, I strongly support the bill and urge my colleagues to vote in favor of the measure.

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, I rise today in support of H.R. 4472, the Children's Safety Violent Crime Reduction Act. Every day it seems the American people are confronted by another heinous case of child abduction and assault. These crimes are some of the most jarring to our society and must be done to reduce their occurrence. Last year, I voted in favor of the Child Safety Act and I am proud to support this bill today. H.R. 4472 will strengthen sex offender registration, community notification and publication. Many of the worst crimes against children are preventable if communities know that possible dangerous offenders live amongst their neighbors. That is why I am pleased to see that this bill includes the Dru Sjodin National Sex Offender Public Website—a resource for families to identify sex offenders in their community.

Also Mr. Speaker, I want to thank Chairman SENSENBRENNER for including my legislation, H.R. 4883, the Justice for Crime Victims' Families Act, as part of this necessary bill. As a former County Commissioner for 10 years, I have had the experience of working with my local District Attorney on many important, time sensitive cases. One of the problems I always heard is that the police needed better communication, coordination between their local, state and Federal counterparts.

My legislation focuses on the need to help our nation's criminal investigators conduct investigations into abductions and homicides faster and more efficiently and to fill the gap in communication that was expressed to me in the County. My bill would require the Attorney General to conduct a report to Congress outlining the current state of coordination in information sharing between Federal, state and local law enforcement, and the sources of funding currently available for homicide investigators. The Attorney General must also examine what is being done to expand national criminal records databases, enhance the collection of DNA samples from missing persons and improving the performance of medical examinations.

I am concerned that not enough is being done to give our investigators the best information available in the fastest time possible. We cannot afford our investigators with jurisdictional hurdles and information blockades. My legislation will look for ways to make communication more efficient and productive especially for time sensitive cases. I call on my colleagues to support this important legislation.

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Maryland (Mr. CARDEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1053) to authorize the extension of non-discriminatory treatment (normal trade relations treatment) to the products of Ukraine, as amended.

The Clerk read as follows:

H.R. 1053

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

SECTION 1. FINDINGS.

Congress finds as follows:

(1) Ukraine allows its citizens the right and opportunity to emigrate, free of any heavy tax on emigration or on the visas or other documents required for emigration and free of any tax, levy, fine, fee, or other charge on any citizens as a consequence of the desire of such citizens to emigrate to the country of their choice.
(2) Ukraine has received normal trade relations treatment since 1992 and has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974 since 1997.
(3) Since the independence of an independent Ukraine in 1991, Ukraine has made substantial progress toward the creation of democratic institutions and a free-market economy.
(4) Ukraine has committed itself to ensuring freedom of religion, respect for rights of minorities, and eliminating intolerance and has been a partner of inter-ethnic cooperation and harmony, as evidenced by the annual human rights reports of the Organization for Security and Cooperation in Europe (OSCE) and the United States Department of State.
(5) Ukraine has taken major steps toward global security by ratifying the Treaty on the Non-Proliferation of Nuclear Weapons (START I) and the Treaty on the Non-Proliferation of Nuclear Weapons, subsequently turning over the last of its Soviet-era nuclear warheads on June 1, 1996, and agreeing, in 1998, not to assist Iran with the completion of a program to develop and produce nuclear breeding reactors, and has fully supported the United States in nullifying the Anti-Ballistic Missile (ABM) Treaty.
(6) At the Madrid Summit in 1997, Ukraine became a member of the North Atlantic Cooperation Council of the North Atlantic Treaty Organization (NATO), and has been a full participant in the Partnership for Peace (PFP) program since 1994.
(7) Ukraine is a peaceful state which established exemplary relations with all neighboring countries, and has pursued a course of European integration with a commitment to ensuring democracy and prosperity for its citizens.
(8) Ukraine has built a broad and durable relationship with the United States and has been an unwavering ally in the struggle against international terrorism that has taken place since the attacks against the United States that occurred on September 11, 2001.
(9) Ukraine has concluded a bilateral trade agreement with the United States that entered into force on June 23, 1992, and is in the process of acceding to the World Trade Organization (WTO). On March 6, 2006, the United States and Ukraine signed a market access agreement as a part of the WTO accession process.

SEC. 2. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO THE PRODUCTS OF UKRAINE.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to Ukraine; and
(2) after making a determination under paragraph (1) with respect to Ukraine, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(b) TERMINATION OF APPLICABILITY OF TITLE IV.—On and after the effective date under subsection (a) of the extension of nondiscriminatory treatment to the products of Ukraine, title IV of the Trade Act of 1974 shall not apply to products of Ukraine.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Maryland (Mr. CARDEN) each will control 20 minutes.

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

The Chair recognizes the gentleman from California.

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and extend this report to any member who may use time during the consideration of this bill.
Means Committee, indicating some uncertainties as to that agreement, and to anxiously await the comments by my colleagues as we recognize that the Ukraine, through very difficult economic and political transformations, has reached the point of integrating itself into the world economy.

HOUSE OF REPRESENTATIVES,
COMMUNITY ON WAYS AND MEANS,
Washington, DC, March 6, 2006.

Hon. ROB PORTMAN,
U.S. Trade Representative,
Washington, DC.

Dear Ambassador Portman: I understand the United States and Ukraine have concluded the bilateral negotiations on market access issues related to Ukraine's World Trade Organization (WTO) accession. The Committee has received the confidential documents related to the accord, and I congratulate you and your negotiators on a very strong agreement.

The commitments that Ukraine has made related to market access for goods and services, as well as on sanitary and phytosanitary (SPS) obligations and intellectual property rights, are very important for U.S. exporters and to Members of Congress. It is essential that Ukraine comply fully with all of its WTO commitments. To that end, I write to seek your assurances that you will be steadfast in confirming that Ukraine fully implements all of its commitments, and that you will not support its accession unless that is the case.

I look forward to moving legislation through Congress to grant permanent normal trade relations (PNTR) to Ukraine quickly after the bilateral agreement is signed. Unconditional normal trade relations is a basic tenet of WTO membership, and granting PNTR to Ukraine will allow the United States to benefit from the WTO commitments made by Ukraine. I look forward to your response.

Sincerely,

BIL] THOMAS,
Chairman.

EXECUTIVE OFFICE OF THE PRESIDENT,
THE UNITED STATES TRADE REPRESENTATIVE,
Washington, DC, March 6, 2006.

Hon. BILL THOMAS,
Chairman, Committee on Ways and Means,
House of Representatives, Washington, DC.

Dear Chairman Thomas:

The United States and Ukraine signed a bilateral market access agreement as part of the negotiations for Ukraine's accession to the World Trade Organization (WTO). As we have discussed, this agreement is a significant step forward in our commercial relations with Ukraine.

In addition to market access commitments that create new opportunities for U.S. exports, Ukraine's recent efforts to address intellectual property (IPR) and sanitary and phytosanitary (SPS) issues are particularly noteworthy evidence of Ukraine's desire to become part of the global trade community.

The WTO accession negotiations with Ukraine are proceeding on two tracks: (1) bilaterally to open up Ukraine's markets to U.S. exports and investment; and (2) multilaterally, which includes negotiations that relate to matters such as transparency, agriculture, customs, IPRs, state-owned enterprises, and services. The complete WTO accession package will include: (1) the best of Ukraine's commitments made in bilateral negotiations on market access for goods, agriculture, and services; and (2) Ukraine's commitments to WTO rules. These commitments will be included in a multilaterally agreed Protocol of Accession and Report of the Working Party which are analogous to legislation and the committee report on that legislation.

Ukraine must still complete its bilateral negotiations with other Members as well as the multilateral part of the negotiations. We were committed in the February 16th letter to the Ways and Means Committee and others in Congress as we continue these negotiations. Under WTO rules, the Working Party must approve, by consensus, the final accession package before the General Council can approve the terms for Ukraine's membership in the WTO. We will carefully review Ukraine's implementation of the WTO requirements, including market access commitments and SPS and IPR obligations, prior to accession. This will enable us to have confidence that Ukraine is complying with its SPS commitments to us and will comply fully with all of the commitments that it will assume as a WTO member, thus providing the basis for joining the consensus on Ukraine's terms of accession.

After the Congress enacts legislation terminating the Jackson-Vanik amendment, the United States will be able to provide permanent normal trade relations (PNTR) treatment to Ukraine. WTO membership for Ukraine means that in addition to other benefits, we will be able to use the WTO to monitor implementation of commitments, and as needed, avail ourselves of the various consultation and dispute settlement mechanisms in the Agreement. Finally, should we be unable to resolve our differences, we will have recourse to the Dispute Settlement Understanding.

I look forward to working with you and other Members of Congress on Ukraine's WTO accession and PNTR legislation.

Sincerely,

ROB PORTMAN.

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

Mr. CARDIN. Mr. Speaker, first, let me thank Mr. THOMAS for the manner in which this legislation has been brought forward, in allowing us to vote on the permanent normal trade relations with the Ukraine.

Mr. Speaker, 1 year ago, in my capacity as ranking member at the U.S.-Helsinki Commission, I traveled to the Ukraine with my colleague and chairman, Congressman CHRIS SMITH. We made our trip shortly after the historic Orange Revolution, and I was impressed by the commitment of the Ukraine's people, who had reconciled historic conflicts. The Orange Revolution brought minority groups together and reconciling historic conflicts. The Orange Revolution. In the 2004 elections, the Ukraine and government instructed the media about how to cover the elections and systematically abused government resources. In contrast, in the Orange Revolution, I was impressed by the commitment that Ukraine has demonstrated in protecting the rights of religious minorities, I think it is appropriate that we withdraw the application of the Jackson-Vanik amendment to Ukraine.

Mr. Speaker, in my view, the commitment that Ukraine has demonstrated a consistent commitment to defending the religious and ethnic rights of all of the people of the Ukraine. Current President Victor Yushchenko has made that commitment by pledging to bring minority groups together and reconciling historic conflicts. The International Religious Freedom Report of 2005 published by the United States State Department recognizes, "President Yushchenko has, since taking office, spoken publicly about his vision of a Ukraine in which religious freedom flourishes and people are genuinely free to worship as they please."

It must be understood, however, that there remain issues of concern, most notably the return of communal religious property that was confiscated during the Soviet era, and the anti-Semitism of activities that were illegal in the Soviet Union. Ukraine's democratic law with the protection of rights and civil liberties of its citizens.

Mr. Speaker, I believe Congress should demonstrate its support for Ukraine's reforms by approving legislation today that would grant Ukraine's permanent normal trade relations status, and, therefore, take it one step closer to becoming a member of the WTO.

The passage of PNTR for Ukraine will also show Congress's support for the efforts of the Yushchenko government to ensure that the upcoming March 26 parliamentary elections will be free and fair. I am pleased that my colleague Congressman from Florida, Congressman ALcee HASTINGS, has been appointed as the OSCE PA Special Coordinator for our election observation mission there, and I look forward to reviewing the mission's findings and reports.

So far, the pre-election process, while not completely problem free, has been dramatically different from the period leading up to the fraudulent elections of November 2004, which ignited the Orange Revolution. In the 2004 elections, the Ukrainian and government instructed the media about how to cover the elections and systematically abused government resources. In contrast, in the Orange Revolution, I was impressed by the commitment that Ukraine has demonstrated in protecting the rights of religious minorities, I think it is appropriate that we withdraw the application of the Jackson-Vanik amendment to Ukraine.
Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, I am pleased by the statement of my friend from Maryland, and I commend Ukraine for the fact that my colleague and friend from California and I will stand together all the time in making sure that the conditions under which we examine and approve normal trade relations follow what should be a model. But, indeed, if you have to make sure it is followed, it will be followed.

Mr. Speaker, it is now my pleasure to yield 3 minutes to the chief sponsor of H.R. 1053, the gentleman from Pennsylvania, Mr. GERLACH.

Mr. Speaker, prior to recognizing him, I yield the balance of my time to the chairman of the Trade Subcommittee, the gentleman from Florida (Mr. SHAW), and ask unanimous consent that he control the remainder of the time.

The SPEAKER pro tempore (Mr. GEPTZ). Without objection, the gentleman from California (Mr. Gerlach) is accorded 3 minutes.

Mr. Speaker, prior to recognizing him, I yield the balance of my time to the gentleman from Florida (Mr. Feeney). Without objection, the gentleman from Florida will control the time.

There was no objection.

Mr. GERLACH. Mr. Speaker, I would like to thank the gentleman from California, Chairman THOMAS, and his staff for their cooperation in bringing H.R. 1053 to the floor today. Also I would like to thank my colleague from Pennsylvania, Mr. WELDON, and the other cochairs of the Ukrainian Caucus, Mr. BARTLETT, Ms. KAPUTR and Mr. LEVIN, for all of their hard work in helping to generate such a broad, bipartisan coalition of support for H.R. 1053.

Most importantly I would like to thank the Jackson-Vanik Graduation Coalition and all the leaders of the Ukrainian-American community in southeastern Pennsylvania and throughout the country for their tireless efforts on this legislation, and commend them on the tremendous job they have done promoting the progress the Ukraine has made over the past few years.

During the Orange Revolution of 2004, the whole world watched as the people of Ukraine protested allegations of massive corruption, voter intimidation and direct electoral fraud. They sent a clear message that regardless of these obstacles, they wanted and supported the pro-democracy, pro-reform candidate for President, Victor Yushchenko. This election highlighted the commitment of the Ukrainian people to a free and prosperous democracy, and the country overnight became a role model for the entire region.

Since the election, the government has remained committed to broad-based reform and economic liberalization. This commitment was evident most recently on Monday, March 6, when the United States and Ukraine signed a bilateral WTO Agreement on Market Access, a major step towards Ukraine ultimately joining the WTO.

H.R. 1053 is another important step for Ukraine as it becomes a partner in the global economy. The bill lifts the Jackson-Vanik restrictions and authorizes President Bush to permanently extend normal trade relations treatment to Ukraine.

The United States Congress adopted the Jackson-Vanik legislation in 1974 to halt normal trade relations between the United States and those countries that restricted free immigration, especially for persons of the Jewish faith. Our legislation, in turn, authorizes the President to permanently extend normal trade relations status to Ukraine on a yearly waiver basis by the President. Because of this, my legislation will not affect current trade relationships with the Ukraine on a dollar-and-cents basis. However, we are sending by making this relationship permanent is priceless to the people of the Ukraine. It strongly reaffirms our long-term partnership and support as Ukraine continues down the path of reform and democracy.

Again, Mr. Speaker, I would like to thank my colleagues, the cosponsors of the bill, and the chairman and members of the Committee on Ways and Means for their work in bringing this bill to the floor today.

Mr. CARDIN. Mr. Speaker, it is now my pleasure to yield such time as he may consume to the gentleman from California (Mr. LANTOS), our champion on human rights here in the Congress and our leader in the fight against anti-Semitism.

Mr. LANTOS. Mr. Speaker, I want to thank my good friend from Maryland (Mr. LANTOS), our champion for human rights in the Congress and our leader in the fight against anti-Semitism.

The United States Government, the Helsinki Commission, and the OSCE look forward to working with a democratic Ukraine as they continue to build their institutions of democracy, establish the rule of law, protect human rights and religious freedom and combat anti-Semitism.

I commend Ukraine for its progress in promoting political and economic freedom for its citizens and its integration into the global rules-based economy. I urge my colleagues to join me in demonstrating support for the Ukraine's efforts by voting today to grant the country permanent normal trade status.
President Yushchenko urged all Ukrainians to join him in condemning all manifestations of anti-Semitism and xenophobia, which he said the new democratic Ukrainian state will not tolerate. President Yushchenko called upon the faculty of this so-called university to respect citizens of all nationalities and religious faiths and to stop rousing national hatred.

On January 23 of this year, the Foreign Minister of Ukraine, Borys Tarasiuk, strongly condemned the anti-Semitic activities of the university. He announced, ‘Having exhausted all efforts to convince the university’s leaders to drop their unlawful and wrongful actions’, the Foreign Minister broke off all contacts with the university a year ago. The Foreign Minister stressed, ‘There is no place for any form of anti-Semitism or xenophobia in Ukraine.’

The Ministry of Education and Science also issued a statement on January 23 accusing this so-called university of violating Ukrainian law. It said that there was persistent non-compliance with requirements of state licensing rules for universities. The ministry’s statement said this institution was so inconsistent with the status of higher educational institutions in the Ukraine that it was calling on the Government of Ukraine to license the so-called university function. It is a disgrace to the new Ukraine, and it is a disgrace to the civilized world, and I am looking forward to early action by the Government of Ukraine.

On February 16, Mr. Speaker, the Presidential party made a statement condemning the anti-Semitic activities of this institution, noting, “Inflaming hostility, anti-Semitism and xenophobia by leaders of MAUP is a blatant violation of the rights and freedoms of the people. It casts a shadow on Ukraine, a country pursuing the way of democracy.”

Just this past Friday, Ukraine’s Foreign Minister, Borys Tarasiuk, in a letter to me, said that his government takes anti-Semitism seriously and will deal with it in a bold manner. He said that all governmental departments have ceased cooperation with this institution, that it is becoming isolated and marginalized. Its future is more than vague, in view of the ongoing investigations, said Minister Tarasiuk in his letter. He also stated that formal charges are to be filed in the coming weeks.

I look forward to the filing of these formal charges and the lifting of the license of this so-called university and its vile and despicable leadership. I will continue to monitor anti-Semitism in Ukraine, and I will continue to work with the officials of the Ukrainian Government to bring this ugly process to an end.

I support, Mr. Speaker, reluctantly and with reservations, the legislation before us today to grant PNT status to remove the provisions from Ukraine. Ukraine has taken important steps forward, and I look forward to working with the Government of Ukraine under the leadership of President Yushchenko in dealing with the problem I discussed.

Mr. Speaker, I include for the RECORD here the materials I discussed previously:

Ukraine President Condemns Anti-Semitism

Victor Yushchenko urged society to join him in condemning all manifestations of anti-Semitism and xenophobia, and claimed that the state would not tolerate them.

The President stressed that government should protect citizens of all nationalities and religious beliefs. He pledged that it would consistently fight against national, racial or religious discrimination in our country.

‘There can be no national issue in a civilized country,’ he said. ‘The Head of State is worried that anti-Semitism spreads throughout Ukraine.

He condemned the Interregional Academy of Personnel Management (IAPM) as an institution that systematically publishes anti-Semitic articles in its publication ‘Personnel.

Yushchenko said he had left the supervisory council of the journal to protest against this inhumane policy. He called on all governmental departments of the IAPM to respect citizens of all nationalities and confessions and to ‘stop rousing national hatred.’

FOREIGN MINISTER TARASIUK: MAUP ACTIVITIES UNLAWFUL

On January 23d speaking on national television Foreign Minister of Ukraine Borys Tarasiuk strongly condemned the anti-Semitic actions of MAUP University in Ukraine. He confirmed that ‘having exhausted all efforts to convince MAUP leaders to drop their unlawful and wrongful actions’ he broke off contacts with the University a year ago. According to Tarasiuk, ‘there is no place for any form of anti-Semitism or xenophobia in Ukraine.

At the same time the Ministry of Education and Science of Ukraine issued a press-release accusing MAUP of breaking Ukrainian law. In particular it pointed out persistent inconsistency with requirements of state licensing rules for universities, failure to abide with legally binding procedures of the State Accreditation Commission etc. The press release qualifies it as ‘a general negligence of law and a desire to pursue illegal and unlawful actions’.

Mr. Speaker, at the end of my statement, I will insert into the RECORD the full text of all of these documents.

Mr. Speaker, I believe Ukrainian officials are acting in good faith to stop the nauseating and repulsive anti-Semitic and xenophobic activities of this so-called university and its vile and despicable leadership. I will continue to monitor anti-Semitism in Ukraine, and I will continue to work with the officials of the Ukrainian Government to bring this ugly process to an end.

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FOREIGN MINISTER TARASIUK: MAUP ACTIVITIES UNLAWFUL

Inflaming hostility, anti-Semitism and xenophobia by certain leaders of the Interregional Academy of Personnel Management (MAUP) in MAUP-owned or affiliated mass media is a blatant violation of rights and freedoms of the people. It casts a shadow on Ukraine, a country pursuing the way of democracy. A new anti-Semitic article ‘Minister of American synagogue’ was published

at various campuses around the country, and it offers courses in many fields.

But despite the apparent claim of legitimacy, this is the worst kind of disgrace to academia worldwide. This so-called university organizes sickening anti-Semitic and xenophobic activities, regularly publishes anti-Semitic articles and statements in two widely distributed periodicals. Its so-called president and other faculty members have made it their life’s goal to resuscitate and spread anti-Semitism in Ukraine, a country with a disgraceful president and other faculty members distributed periodicals. Its so-called university organizes sickening activities inconsistent with the status of higher educational institutions in the Ukraine.

I am calling on the Government of Ukraine to license the so-called university function. It is a disgrace to the new Ukraine, and it is a disgrace to the civilized world, and I am looking forward to early action by the Government of Ukraine.

On February 16, Mr. Speaker, the Presidential party made a statement condemning the anti-Semitic activities of this institution, noting, “Inflaming hostility, anti-Semitism and xenophobia by leaders of MAUP is a blatant violation of the rights and freedoms of the people. It casts a shadow on Ukraine, a country pursuing the way of democracy.”

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in the last edition of “Ukrainian newspaper plus”. It represents a delicate xenophobic act towards Ukrainian citizens. The Our Ukraine Bloc considers such activity outrageous and damaging, especially at the time of formation of a free civil society. The Orange revolution displayed Ukraine as a new democracy. Anti-Semitic attacks on the image of Ukraine’s image and hamper equal and close relations with its biggest world partners. Atavistic thinking of MAUP leadership might create a bizarre picture of Ukraine as a primitive and nationalistic state. We consider this humiliation of Ukraine in the eyes of the world community inappropriate and strongly urge the MAUP leadership to review their views as harmful and shameful for Ukrainian people. In the beginning of the decade there there can be any place for paranoid ideology in public and political sphere!

Representatives of any nation in Ukraine have a right for self-realization and development of their national and socio-cultural identity. There is only one Ukraine for all of us!

MINISTER FOR
FOREIGN AFFAIRS OF UKRAINE,

Hon. Tom Lantos,
House of Representatives,
Washington, DC.

Dear Mr. Lantos: Let me first of all express my respect to you as a long-time supporter of my country. Being a part of opposition in Ukraine during dramatic elections of 2004 I was encouraged and impressed by the letters you co-signed in defense of Ukrainian democracy. I also appreciate the unequivocal support of my country’s graduation from the Jackson-Vanik amendment you rendered right after the victory of democratic forces in December 2004.

It is my strong conviction that the present moment gives a precious opportunity to lay a solid fundament for a reliable Ukrainian-American partnership for decades to come. Let me assure you that Ukrainian Government won’t let marginal forces like infamous MAUP University thwart that chance.

In December–February President Yushchenko, myself and pro-presidential colleagues in support of this for the other body passing a similar measure under unanimous consent. Just 2 days ago an agreement on market access was signed between the U.S. and the Ukraine. This agreement is an excellent start to fostering a continued growth between our two countries.

We recognize that some frictions remain, but this agreement, along with the Ukraine’s accession to the WTO, will better enable us to resolve these frictions expeditiously, and in a mutually beneficial way.

Granting the Ukraine permanent normal trade relations status will not only complement the difficult economic reforms that have been made. It will also reinforce the ambitious economic reforms being made by President Yushchenko.

It is vital that Congress move forward and reaffirm our commitment to the Ukraine, to its reforms, both democratic and economic. Mr. Speaker, I urge passage of this bill.

Mr. Cardin. Mr. Speaker, I ask unanimous consent that each side be given an additional 2 minutes.

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

There was no objection.

Mr. Cardin. Mr. Speaker, I yield 3½ minutes to the gentleman from Michigan (Mr. Levin).

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

Mr. Levin. Mr. Speaker, I join my colleagues in support of this for the reasons that they have all given. What happens in Ukraine is important for its people, obviously. It is important for its neighbors. It is important for us in the United States, and I think really in the whole world. Let me just state why I think it is important in terms of its economic and democratic development. Clearly it has met the requirement in Jackson-Vanik as to immigration. Jackson-Vanik was an amendment to a trade bill, and so it is relevant for us to look at the economic and democratic development of the Ukraine. The Jackson-Vanik amendment is an opportunity in the Congress to deal with the accession of countries to the World Trade Organization, and that is why we have withheld PNTR in several cases until we were satisfied in terms of the WTO accession agreements and could participate in the development of those agreements.

The U.S. has now negotiated with Ukraine under a WTO accession agreement. If it is satisfactory, I think it will be mutually beneficial. I think also it will spark further reforms within Ukraine, both economic and also, I think, help the evolution of democracy within that country. So this is an important moment in terms of the economic role of Ukraine and the evolution of its democratic processes.

Let me say another word, if I might, quickly about the importance. We have been working on this legislation for a number of years. In proposals that we have placed on the record, that we have introduced, we have talked about various aspects of our relationship with Ukraine, and various doings within Ukraine, both human rights, both economic and development of its workers and many other aspects.

All of these aspects are not covered in this legislation, but I do think this legislation points out the importance of Ukraine to continue its democratic and economic development. There are challenges ahead. I have had the chance to talk with constituents, with the large Ukrainian-American community in the 12th District.

And I want to close with this. To echo what Mr. Lantos has said, and others, what happens in Ukraine is important, as I said, not only for its people, but really for the whole world. The Orange Revolution really resounded throughout the globe. It was an important moment for all of us, and so is its progress in terms of human rights and in terms of the elimination of anti-Semitism within Ukraine.

Mr. Speaker, so I join in this effort, and I urge that we all support it.

Mr. Lantos. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mrs. Miller).

Mrs. Miller. Michigan. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, as has been discussed here today certainly, the Jackson-Vanik restrictions were made as an amendment to a 1974 trade bill actually to punish the Soviet bloc nations for their despicable human rights record. Everyone who became a part of the Soviet Union, Jackson-Vanik restrictions were placed on all of the former Soviet Republics, including the Ukraine. In recent years, the world has watched as the Ukraine has embraced democracy and freedom through their Orange Revolution.

The Ukraine has been a great ally in the war on terror. The Ukraine has clearly taken appropriate steps to open their society and economy and become an important member of the community of nations. The Ukraine should be free of the onerous restrictions, because they have met each of the tests laid out by the law. In fact,
the Ukraine has been granted an annual waiver from these restrictions each year for nearly a decade.

Mr. Speaker, my district is home to many people of Ukrainian descent. In fact, southeast Michigan, I believe, has, if not the largest, certainly one of the largest Ukrainian populations in our entire Nation.

These people are great Americans. They are great patriots. For years they have fought against Soviet oppression of the Ukrainian people and on behalf of freedom. They know how to encourage democracy and freedom that has come to their homeland, and they know it is both appropriate and very necessary for this Congress to act on this issue.

It is time for us to recognize the friendship of the Ukraine as well as permanently remove them from the restrictions of Jackson-Vanik.

Mr. Speaker, I urge my colleagues to support this very, very important legislation today on the floor.

[1230]

Mr. SHAW. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. WELDON) who is a very active member of the Congress with regard to our relationship with the Ukraine.

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

Mr. WELDON of Pennsylvania. Mr. Speaker. I rise today in solid support of this legislation and with deep thanks to the leadership on both sides of the aisle for their work on this issue.

This is a critically important piece of legislation for the people of Ukraine but for the people of the world. As a founder and cochair of the Ukrainian Rada-U.S. Congress relationship, this has been our number one priority for a number of years. But going back in my own career as a mayor and former county commissioner, I can recall each January that, with hundreds of my Ukrainian-American constituents, we would assemble and light candles. We would light candles for those people who are being oppressed by the Soviet regime.

In working with groups like the National Council of Soviet Jewry, we would make visits into the Soviet Union and go to those homes where people were being oppressed. We understood in a real way the oppression that was being brought by the Soviet leadership. And those candles that we lit each January were to show our solidarity with the Ukrainian people, that one day they would achieve independence and one day they would achieve the full equal respect of our country.

In the early nineties they achieved their independence. Today they receive the full respect of America and its people, because today we grant them equal status as a trading partner.

Ukrainians have worked hard to achieve the basic foundation of democracy. They worked hard as a million people stood in the streets in the area of the Maidan and stood up to the leadership in attempting to take away the election of the people. They stood tall for President Yushchenko.

President Yushchenko has continuously shown that we take today. And certainly the timing is appropriate because in several weeks Ukraine will elect a new Rada. This sends a signal that Ukraine now has the full and equal respect of the government and of the people of the world. It sends a signal to all those other emerging democracies that you can follow the Orange Revolution.

Ukraine has been very helpful to us. Mr. Speaker, in ways that we do not often talk about publicly. It was President Kuchma, before Yushchenko, who laid the groundwork with contacts in Libya through his Foreign Minister, Konstantin Greshenko, to assist us in getting Gadhafi to give up his weapons of mass destruction. Quietly discussions among Ukrainian leaders were assisting us to achieve what many thought was impossible in Libya.

It has been Ukraine and the diaspora in this country that has constantly reminded us of the economic bonds between our two nations. Today we stand tall with the people of Ukraine, and we tell them that we are with them, as we told Prime Minister Yekhanurov when he was here only a few weeks ago.

Today Ukraine symbol for all of the world. Hopefully, we will continue to work with Russia to achieve a similar status before the end of this year. I was encouraged by the comments of our Trade Representative in calling for that ultimate conclusion, once Russia has continued to show success and improvement in their economic relations.

To all of our colleagues, I say vote for this issue.

Slava Ukraine.

Mr. SHAW. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. LINCOLN-DIAZ-BALART), a member of the Rules Committee, a Member who knows what it is to lose freedom and then regain it. Mr. LINCOLN-DIAZ-BALART of Florida. Mr. Speaker, I thank Chairman Shaw for his kind remarks. I want to thank all the distinguished Members who have made possible this legislation today. I think it is very timely.

I had the privilege of visiting Ukraine last December along with Under Secretary of State Paula Dobriansky and a humanitarian delegation from my community. My community has begun a process of helping the people of Ukraine, especially the sick children who, because of the decades-long environmental degradation, really attack upon the environment of the totalitarian regime, are still suffering and for generations, unfortunately, will suffer the consequences of the horrors of totalitarianism in a most unfair way. So humanitarian efforts are ongoing, and I am very proud of that, from my community, to help the people of Ukraine.

I was again very impressed and thank Mr. LANTOS for standing up today and mentioning an extremely important subject area. I want to point out that in the discussions that we had with President Yushchenko, Under Secretary Dobriansky, I was impressed by how much emphasis she made and the seriousness with which she made arguments that were brought out today by Mr. LANTOS. And so I am pleased to see the importance given to important monitoring of really the despicable matters that he made reference to, and I certainly look forward to joining him in that monitoring.

That said, I think it is important that a friend that has gone through, because of really the heroism of its people, has gone through a democratic transition, and, even after independence from the Soviet Union, was really still living under the undue influence of Russia.

I think that those hundreds of thousands of people that took to the streets just over a year ago, they deserve our respect. And the people of Ukraine deserve our respect. And in the same manner in which Jackson-Vanik, I am very proud of, was another way in which the United States stand on behalf of freedom, I think today it is time to remove Jackson-Vanik from democratic Ukraine, to say congratulations for what you have achieved, and to say we will be with you as you further achieve progress in perfecting your democracy and the rule of law.

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

Mr. Speaker, let me once again thank my friends for bringing this legislation forward. I want to acknowledge again Mr. LANTOS and his strong work on behalf of human rights and fighting anti-Semitism, and Mr. LEVIN who authored a bill on our side for PNTR for Ukraine.

Mr. Speaker, I include for the RECORD a letter from the Anti-Defamation League acknowledging the changes that have been made by the leadership of the Ukraine, dated January 25, 2006. The Anti-Defamation League is the premier organization fighting anti-Semitism globally.

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

ANTIDEFAMATION LEAGUE

ADL WELCOMES UKRAINE'S STRONG CONDEMNATION OF UNIVERSITY FOMENTING ANTI-SEMITISM

New York, NY, January 25, 2006 . . . The Anti-Defamation League (ADL) welcomed the statements and actions of the Ukrainian government to condemn anti-Semitism, and specifically one of the country's leading institutions of higher education, which ADL has called a hotbed for anti-Semitic incitement. Ukraine's President and the Ministry of Education and Science publicly condemned MAUP University's anti-Semitic activities and called for "anti-incitement laws to be effectively enforced".

In a letter to Boris Tarasyuk, Ukraine's Foreign Minister, Barbara B. Balser, ADL
Mr. PORTMAN. Mr. Speaker, I yield the balance of my time.

Mr. Speaker, I am especially supportive of the much needed relief on Currency Transaction Reports and Suspicious Activity Reports. Last year banks filed more than 13 million CTRs and 300,000 SARs, overwhelming law enforcement with reports. Eliminating CTRs forseasoned customers will save institutions many hours of paperwork and redirect resources to the most useful reports. Focusing resources on transactions that pose the greatest risk to national security, enforcement, financial institutions, and citizens.

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I encourage my colleagues to support the long-overdue regulatory relief in H.R. 3505.

Mr. CROWLEY. Mr. Speaker, I rise today in strong support of the Resolution offered by Representative GELLAUCH, H.R. 1053—lifting the provisions of Jackson-Vanik from the country of Ukraine.

In December 2004, the world watched as a democratic candidate was poisoned, a stolen victory, and marches in the street by people hungry for freedom and for a better future for their children.

The world witnessed true passion. We witnessed people expressing themselves and their will to live freely and democratically. We witnessed people determined to take charge of their nation’s destiny and risk all to do so.

We witnessed young and old, families and students—all camping outdoors in the blistering Ukrainian cold to protest against a sham victory and demand true elections. What we witnessed was a true democracy.

While we, the people of the world, witnessed victory—the people of Ukraine lived it by forcing it. By rejecting tyranny and corruption and demanding equality and freedom, they brought about peaceful democratic reforms.

As a result, President Viktor Yushchenko has been able to democratically reform laws in Ukraine to bring this country to Market Economy Status. Additionally, Ukraine has continued to bring religious minorities together, restore privately owned property, and condemn anti-Semitic remarks from national organization. As a result of Ukraine’s tireless effort to reform, on March 6, 2006 the United States and Ukraine signed a very important trade agreement that would eventually help grant Ukraine access to the World Trade Organization.

Now the only piece of the puzzle still left for this fledgling democracy is lifting of the Jackson-Vanik restriction—and permanently granting normal trade relations status with the United States.

I am pleased to join with my colleagues and my constituents in support of H.R. 1053 and grant Ukraine PNTR for the hard work and democratic reforms that have been instituted after the “Orange Revolution”. Let’s support this democratically elected government and grant them Permanent Normal Trade Relations status.

Mr. KUCINICH. Mr. Speaker, Congresswoman NANCY KAPTUR, co-chair of the Ukrainian Caucus, and I have been strong supporters of political freedom in Ukraine and have advanced the cause of Ukrainian culture internationally and in the United States.

Today we will vote “present” on H.R. 1053, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) of the products of Ukraine. We wish to make clear that this was not a “no” vote, but a “we know” vote.

We know that democracy is on the march in Ukraine. We also know that the conditions for a fully functioning democracy are not in place.

We are committed to the principles of a similar bill to life Ukraine from Jackson-Vanik in the 107th Congress, H.R. 3939. However, that bill specified certain conditions be met prior to lifting that reflect the spirit of the law as much as the letter of the law, including that the government of Ukraine:

1. Adopt and institute policies that remove undue restrictions and harassment on labor organizations to freely associate according to internationally recognized labor rights;
2. Take additional positive steps to transfer places of worship and related religious property for all confessions to their original owners;
3. Establish an independent legal and judicial system with rule of law that is free of political interference and corruption;
4. Commit to providing funding and administrative support for reforms of the legislature;
5. Demonstrate a firm commitment to freedoms by prohibiting physical harm and intimidation of journalists through such means as prevention of abuse of tax and libel laws;
6. Adopt and
vigorously enforce laws to prohibit the trafficking of women and of illicit narcotics; (7) Accelerate governmental structural reform and land privatization policies which benefit ordinary citizens; (8) Adopt a more comprehensive program to protect the environment; (9) Support international standards of transparency in monitoring of elections; and (10) Remedy trade disputes involving violation of international property rights, transshipment of counterfeit goods, and dumping of such products as steel into the United States market in quantities as to cause harm to the domestic industry.

Despite our high aspirations for the Ukraine, we do not believe that these conditions have been met, although we are mindful that there are people in civil society working to bring the principles to fruition.

The Jackson-Vanik requirement for annual review of the trading relationship was originally intended as a way to sanction anti-Semitic regimes. According to the Anti-Defamation League, in a document attached to this statement, that we attach for the Record at least one university in Ukraine, sadly, is still teaching anti-Semitism in Ukraine.

We have both worked to ensure human rights, labor rights and environmental quality standards to be met in trade agreements. However, the WTO does not permit trade on this basis. This makes new entries into the WTO highly vulnerable to the export of their jobs to nations which offer cheap labor and no standards. A transfer of wealth from the great mass of the people of Ukraine to multi-national corporate interests will result unless there are safeguards. Any nation, and Ukraine is no exception, which is heavily influenced by oligarchic interests, could easily be sacrificed. We remain committed to continuing to work with the valiant people of Ukraine and the wonderful groups of the diaspora to lift up the economic, political and social progress of the Ukrainian people. We are optimistic about the blossoming of freedom, economic democracy and human rights in Ukraine.

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Ukraine University Schooling in Anti-Semitism

MAUP: SCHOOLING IN ANTI-SEMITISM

MAUP is the main source of anti-Semitic agitation and propaganda in Ukraine. It organizes anti-Semitic meetings and conferences; publishes anti-Semitic statements; and publishes two widely distributed periodicals, Personnel and Personnel Plus, which frequently contain anti-Semitic articles.

At the same time, MAUP is a bona fide university—its English name is the Interregional Academy for Personnel Management—accredited by Ukraine's Ministry of Education, with more than 50,000 students enrolled at campuses in various locations. Business administration and agriculture are among the subjects taught.

The anti-Semitic activities are directed by MAUP's President, George Tschokin, and a number of his colleagues. In addition, Tschokin is the head of another body called the "International Personnel Academy" (IPA), which he also uses to issue anti-Semitic statements.

White supremacist David Duke has close links with MAUP; he "teaches" a course on history and international relations, has been awarded a doctorate for a thesis on Zionism and was a key participant in MAUP's June 2005 conference on "Zionism: Threat to World Peace.

On November 22, Tschokin issued a statement of solidarity with Iranian President Ahmadinejad's threat to wipe out Israel. The statement blended traditional Christian anti-Semitism with anti-Zionism: "We'd like to remind that the Living God Jesus Christ said to Jews two thousand years ago: 'Your father is a devil' . . . Israel, as known, means 'Theologian', and Zionism in 1975 was acknowledged by General Assembly of UNO in the form of racism and race discrimination, that, in the opinion of the absolute majority of modern Europeans, makes the most threat to modern civilization. Israel is the artificially created state (classic totalitarian type) which appeared on the political Earth map only in 1948, thanks to good will of UNO . . . Their end is known, and only the God's truth will rescue not only our soul, but also as God always together with his children!"

MAUP's June 2005 anti-Zionist conference was attended by anti-Semites from all over the region, as well as Duke, French Holocaust denier Serge Thion and Israel Shamir, a Russian Jew who converted to Christianity and is notorious for publishing anti-Semitic essays on the internet. The Palestinian Authority representative in Ukraine, Walid Zakut, was also reported to have attended.

MAUP's anti-Semitic activities can be traced back to Tschokin's lead. Shocking figures have been at the root of attempts to bar Jewish organizations in Ukraine and, more recently, a call to ban "The Tanya," a classic work of Jewish literature, on the grounds that it promotes racism against non-Jews.

MAUP: CONTEXT AND RESPONSES

At the Auschwitz liberation ceremonies in January 2005, Ukrainian President Viktor Yushchenko had adopted a policy of "zero tolerance" towards anti-Semitism. Yet over this year, there has been a sharp spike in anti-Semitic incidents, including the August 4th attack on Yushchenko's bodyguards. A Russian rabbi reportedly told him that "Elsewhere Christians are crucified, but in Russia they crucify the Jews.

Critically, Mr. Yushchenko has done nothing against MAUP, aside from resigning from its Board.

Ukraine needs to take decisive action now. Measures could include the following: Invoking anti-incitement laws against Tschokin and his colleagues; the Education Ministry revoking the MAUP's diploma; a statement of condemnation by Mr. Yushchenko and a ban on David Duke entering Ukraine.

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

The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 1053, as amended.

The question was taken.

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

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others acting at their behest could raise grave concerns regarding the commitment of the Belarusian authorities to free and fair elections.

Whereas efforts by national and local officials and others acting at their behest to impose obstacles to free assembly, free speech, and a free and fair political campaign will call into question the fairness of the upcoming election in Belarus; and

Whereas the arrest or intimidation of opposition political parties and candidates, such as the leader of the United Democratic Forces and other people involved with the opposition, represents a deliberate assault on the democratic process; Now, therefore,

Resolved, That the House of Representa-
tives—

(1) looks forward to the development of cordial relations between the United States and the Republic of Belarus;

(2) emphasizes that a precondition for the integration of Belarus into the Western community of democracies is its establishment of a genuinely democratic political system;

(3) expresses its strong and continuing support for the efforts of the Belarusian people to establish full democracy, the rule of law, and respect for human rights in Belarus;

(4) urges the Government of Belarus to guarantee the association and assembly, including the right of candidates, members of political parties, and others to freely assemble, to organize and conduct public events, to raise these and other rights free from intimidation or harassment by national or local officials or others acting at their behest;

(5) urges the Government of Belarus to meet its Organization for Security and Co-operation in Europe (OSCE) standards and commitments on democratic elections, including the standards on free and fair elections as defined in the 1990 Copenhagen Document;

(6) urges the Belarusian authorities to ensure—

(A) the full transparency of election procedures before, during, and after the 2006 presidential election;

(B) unobstructed access by election monitors from the Office of Democratic Institutions and Human Rights (ODIHR), other participants in the OSCE, Belarusian political parties, candidates' representatives, nongovernmental organizations, and other private institutions and organizations—both foreign and domestic—to all aspects of the election process, including unimpeded access to public campaign events, candidates, news media, voting, and post-election tabulation of results and processing of election challenges and complaints;

(C) multiparty representation on all election commissions;

(D) unimpeded access by all parties and candidates to print, radio, television, and Internet media on a non-discriminatory basis;

(E) freedom of candidates, members of opposition parties, and independent media organizations from intimidation or harassment by government officials at all levels via selective tax audits and other regulatory and bureaucratic procedures, and in the case of media, license revocations and libel suits, among other measures;

(F) a transparent process for complaint and appeals through electoral commissions and within the court system that provides timely and effective remedies; and

(G) the protection of any individual or organization responsible for violations of election laws or regulations, including the application of appropriate administrative or criminal penalties;

(7) encourages the international community, including the Council of Europe, the OSCE, and the OSCE Parliamentary Assembly, to continue their efforts to support democracy in Belarus and urges countries such as Lithuania and other Baltic countries and Nordic countries to provide assistance to nongovernmental organizations and other Belarusian organizations involved in promoting democracy and fair elections in Belarus;

(8) pledges its support to the Belarusian people, their commitment to a fully free and open democratic system, their creation of a prosperous free market economy, and their country's assumption of its rightful place as a full and equal member of the Western community of democracies.

The SPEAKER pro tempore. Pursuant to the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey, Mr. SMITH, for 10 minutes.

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

Mr. Speaker, House Resolution 673, sponsored by our distinguished colleague, Mr. SHIMKUS, for his hard work on this resolution and his great interest and passion for supporting freedom in Belarus and in other countries of the former Soviet Union.

Belarus, as my colleagues know, is often described as “the last dictatorship in Europe.” In the past 3 or 4 years, especially since the 2004 parliamentary elections and referendum, President Alexander Lukashenko has increased repression against NGOs, media outlets, opponents of the government, including youth groups, and journalists.

Persecution has included forced disappearances of lawmakers and journalists and others who have dared to criticize the Lukashenko dictatorship.

To date, the Government of Belarus has refused to conduct an impartial investigation into these disappearances and has refused to allow an independent U.N.-appointed investigator to look into these cases.

Sadly, it appears the Lukashenko regime has only become more dictatorial with the passage of time. The assault on civil society, the NGOs, the independent media, democratic opposition, and increasing pressure on registered and minority religious groups has only intensified, becoming daily occurrences. Despite innumerable calls for Belarus to live up to its freely undertaken OSCE election commitments, elections in 2000, 2001, and 2004 were neither free nor fair.

It follows a downward trajectory that began a decade ago when Lukashenko, through an illegitimate referendum, took control over the legislature and the judiciary and manipulated the Constitution to remain in power.

Mr. Speaker, Belarus, which borders on EU and NATO member countries, has become an increasingly stark anomaly in a growing democratic Europe. The Belarusian people have become even more isolated from the winds of democracy following neighboring Ukraine's Orange Revolution. Lukashenko's fear that the people would follow the Ukrainian example and take to the streets has softened on those who dare to speak out for freedom.

Among the numerous examples that can be cited here on the floor: Just last week, one Belarusian opposition candidate running for next week’s elections was detained by security forces and severely beaten. Yesterday we received reports that five members of the campaign of the United Opposition Candidate, Alexander Milinkevich, was hounded by police and driven away. In recent weeks Lukashenko has launched an intensive campaign to encourage a climate of fear and stoke hostility among the Belarusian people through a Soviet-style propaganda campaign against the opposition: Europe and the United States.

Mr. Speaker, as the prime sponsor of the Belarus Democracy Act, which was signed into law by President Bush, I welcome the administration's growing engagement with the people of Belarus. I am pleased that President Bush and other high-ranking officials met with Irena Krasovska and Tatsiana Zavadskaya, two of the wives of opposition figures believed to have been murdered with the complicity of Belarusian senior officials. I would note, parenthetically, that I have had the privilege of meeting with them and others on a number of occasions over the last 6 years and have admired their determination and courage to seek an accounting of their loved ones, in most cases their missing, possibly murdered husbands.

Given the disturbing, Mr. Speaker, pre-election environment, where meaningful access to the media by opposition candidates is denied, where independent voices are stifled, and where the regime maintains pervasive control over the election process, it is very hard to imagine that next week’s elections will be free. They are already not fair. In the event that protests are held in response to electoral fraud, we are reminded by Belarusian authorities that the right to peaceful assembly is a fundamental human right and a basic tenet of the OSCE. Any violent suppression of peaceful protests will have serious repercussions and only deepen Belarus’ self-imposed isolation.

Over the course of the last century, the Belarusian people have endured great suffering at the hands of murderous dictators such as Stalin and Hitler. Twenty years ago they endured,
Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I might consume, and I rise in strong support of this resolution.

First, I want to commend my good friend Chris Smith from New Jersey for his leadership on this issue, as well as all of my colleagues who played a role in its development.

Mr. Speaker, Alexander Lukashenko is, in fact, the last dictator of Europe. He is running for reelection as President of Belarus for the third time, and there is really no suspense about the outcome. He is running a neo-Stalinist dictatorship with the usual techniques. Although it is now a decade and a half since the collapse of the Soviet Union, Lukashenko is conducting elections that would make Leonid Brezhnev and Nikolai Khrushchev envious.

Freedom of the press is nonexistent in Belarus. All television and radio stations are either owned or controlled by the government. Newscasts offer nothing but sickening praise for Lukashenko. The main opposition candidate, Alexander Milinkevich, says that his name has never been mentioned on television.

A publication called “People’s Will” is the country’s only remaining newspaper in the country which is not yet under the thumb of Lukashenko. The state-owned media distribution network refused to distribute this newspaper, and the state-run press kiosks are prohibited from selling it.

Last year a government-controlled court found this newspaper guilty of slandering a progovernment politician properly accused in the U.N. Oil-for-Food investigation. This so-called court imposed a fine of $50,000 against the newspaper, an absolutely incredible figure in a country such as Belarus where $50,000 sounds like $500 million to us. Of course, the newspaper, which has a very modest circulation, was unable to pay the fine, and its loyal readers contributed in small amounts enough money to pay the fine.

The editor of this paper was informed by the government that the printing company, which was under contract to print this newspaper, was breaking its contract and would no longer print it. The newspaper had to find a printing house in Russia, and copies of the paper are mailed to subscribers, but, of course, they arrive days or weeks later.

Mr. Speaker, the caliber of government techniques for keeping journalists in line is quite simple. Over the past several years, journalists known for their critical coverage of Lukashenko died under mysterious circumstances. Independent journalists simply vanished without a trace.

In October, Lukashenko pushed through a law that makes it a crime to discredit the state or any of its officials. This “crime” carries a sentence of 2 years in prison. The head of the Belarusian Journalists’ Association said, “All information that contradicts official propaganda is blocked.”

The government is so paranoid about controlling the flow of information that even buying a copying machine requires the approval of the Ministry of the Interior.

Mr. Speaker, complete control of newspapers, television and radio is not all that a government is doing to ensure the reelection of Lukashenko. Less than a week ago, the opposition presidential candidate was accused of damaging a picture of the country’s President and imprisoned.

The Belarus State Security Committee, which, significantly in Russian, has the initials of the KGB, which were the initials of Stalin’s secret police, reported that it had uncovered a coup masterminded by the opposition, planned the day after the election. The supposed coup became a basis for the Government of Belarus to ban 72 nongovernmental organizations which were accused of plotting this supposed coup.

Mr. Speaker, the resolution we are considering expresses support for the people of Belarus and urges the government to show respect for the rule of law and respect for human and civil rights of the Belarusian people. It calls for free and fair elections. It notes the importance put on record our indignation, our frustration and our outrage at Belarus’ blatant disregard for civilized governmental procedures and human rights. We earnestly seek the establishment of good relations with the people of Belarus, but that can only happen if the government of that country guarantees its citizens the opportunity to exercise their civil liberties, their political rights and privileges, including the right to full freedom of expression.

Mr. Speaker, I urge all of my colleagues to support this very important resolution. We must send a clear and unequivocal message to Lukashenko that before Belarus can be integrated into the community of civilized Nations, a democratic political system must be in place in that country.

I urge all of my colleagues to support the resolution, and I insert at this point in the Record a statement by the National Democratic Institute.

Statement by the National Democratic Institute on the Current Situation in Belarus

Around the world, citizens have organized in a nonpartisan way to monitor elections as a means of promoting confidence and participation in the electoral process. The right of citizens to monitor their elections is a fundamental democratic principle, and over the past 25 years the National Democratic Institute is proud to have worked with nonpartisan monitoring groups in more than 68 countries in every region of the world.

In Belarus, we have been asked to monitor their elections, a right which is guaranteed to them under Article 13 of the Belarusian electoral code and the Organization for Security and Cooperation in Europe (OSCE) 1990 Copenhagen Document.

In 2001, the OSCE along with NDI provided support to a coalition of domestic monitors who observed the 2001 presidential poll, and NDI assisted the efforts of more than 3,000 Belarusian nonpartisan monitors in the 2004 elections. These monitors acted with integrity and professionalism, although their attempts to register as a nonpartisan election monitoring coalition had been rejected by the Belarusian authorities. A year later, many of the same monitors once again sought to register a citizen initiative called Partnership in Belarus to monitor the presidential poll. Their request for registration was once again denied.

Two weeks ago, on February 21, several of these civic activists were arrested and their offices and homes raided. The KGB accused them of “slandering the president and illegally running an unregistered organization.” In its propaganda campaign the Belarusian authorities falsely accused Partnership of organizing fraudulent exit polls and planning a violent uprising after the election. The activists were formally charged on March 3 and remain in detention.

NDI Chairman Madeleine K. Albright made this following statement:

“The National Democratic Institute deplores this attempt by the Belarusian authorities to deny the basic rights of their citizens to peacefully monitor the March 19 presidential election.

We condemn the recent arrests of civic activists and the accusations leveled against Partnership, whose only interest is to promote a democratic election process and peacefully monitor that process.

By refusing to register nonpartisan monitors, the authorities are restricting access to assistance from outside organizations. Belarus is violating its commitments as a member state of the OSCE and other international human rights instruments to which it is a party.

We call on the government of Belarus to immediately release those detained and allow them to continue their rightful monitoring effort without interference.

The Belarus government cannot expect to earn international respect if it does not respect international norms.

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

Mr. SMITH of New Jersey. Mr. Speaker, I yield as much time as he may consume to the gentleman from Illinois (Mr. SHMKUS), the author of H. Res. 673, my good friend and colleague.

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

Mr. SHMKUS. Mr. Speaker, if my colleague Chris Smith will allow me to speak from this side, because I have great respect for Tom Lantos, and you know it is always in fashion to fight for democracy and freedom. It is an issue that easily, many times, most times, crosses across the center aisle, and I am proud of what you do and I am proud of what we do to fight for democracy and freedom.

We have got another opportunity to do that today with addressing the upcoming elections in Belarus and the lack of fairness in that election.

I have with me the, it is being called the “Denim Revolution,” and it has got the dictator concerned. How do you
have free and fair elections when you do not let the opponents campaign, or you let them campaign, but solely door to door, no mail, no advertising, no public billboards? There is no freedom for the opposition to get their word out.

In fact, today as I was coming down to the floor, I just received an e-mail, a great thing with the new technologies today, the ability to find out what is going on, and I want to read this to my colleagues: ''According to the press release distributed by the office of the single candidate from the unified Belarusian opposition, Alexander Milinkevych, this morning, after a meeting of Milinkevych with voters in the Byarestse cinema theater, five representatives of his team, including a friend of mine who I have met a couple times, Vintsuk Viachorka were held by the police and driven away. The opposition activists might have been beaten. For the moment, it is not clear where they are. Their mobile phones are switched off.''

Now, what is really problematic about this is that usually the Belarusians, through the use of the KGB and the uniformed police, are very proud when they grab people who want to run for elected office, and they proudly display the fact that they are held in police custody. Well, we do not know where these gentlemen are. And we have no idea, there has been no knowledge of who has them. So, really, the basic plea right now is where are they. And I urge my colleagues to take up that torch of freedom for all the countries of the world. It is good enough for other areas around the world; it is good enough for all the countries in Europe and even in the last dictatorship, but it is only because of ongoing, dogged determination on the part of the Belarusians that hopefully there will be a brighter day for this important country. And it is only because of continuing, dogged determination on the part of the pro-democracy advocates inside that country and their friends outside, like Mr. Lantos, Mr. Hyde, Mr. Shimkus, and others; that we keep the pressure on from without so that someday human rights and democracy will flourish in Belarus.

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

The SPEAKER pro tempore. The question was taken.

The yeas and nays were ordered.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from Illinois (Mr. Shimkus) for authoring this legislation. It sends a clear, unmistakable message to the Lukashenko dictatorship, and a message of solidarity and concern to the people that hopefully there will be a brighter day for this important country. But it is only because of ongoing, dogged determination on the part of the pro-democracy advocates inside that country and their friends outside, like Mr. Lantos, Mr. Hyde, Mr. Shimkus, and others; that we keep the pressure on from without so that someday human rights and democracy will flourish in Belarus.

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

The SPEAKER pro tempore. 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. SMITH of New Jersey. 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.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 673.

The SPEAKER pro tempore (Mr. Terry). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

FINANCIAL SERVICES

REGULATORY RELIEF ACT OF 2005

Mr. OXLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3505) to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3505

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Financial Services Regulatory Relief Act of 2005.”

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

Sec. 102. Voting in shareholder elections.
Sec. 103. Simplifying dividend calculations for national banks.
Sec. 104. Removal of absolute limitation on removal authority of the Comptroller of the Currency.
Sec. 105. Clarification of waiver of publication requirements for bank merger notices.
Sec. 106. Equal treatment for Federal agencies of foreign banks.
Sec. 107. Maintenance of a Federal branch and a Federal agency in the same State.
Sec. 108. Business organization flexibility for national banks.
Sec. 110. Clarification of the main place of business of a national bank.
Sec. 111. Capital equivalency deposits for Federal branches and agencies of foreign banks.
Sec. 112. Enhancing the authority for national banks to make community development investments.

Sec. 202. Investments by Federal savings associations authorized to promote the public welfare.
Sec. 203. Mergers and consolidations of Federal savings associations with non-depository institution affiliates.
Sec. 204. Repeal of statutory dividend notice requirement for savings association subsidiaries of savings and loan holding companies.
Sec. 205. Modernizing statutory authority for trust ownership of savings associations.
Sec. 206. Repeal of overlapping rules governing purchased mortgage servicing rights.
Sec. 207. Restatement of authority for Federal savings associations to invest in small business investment companies.

All Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 673.

The SPEAKER pro tempore (Mr. Terry). Is there objection to the request of the gentleman from New Jersey?

There was no objection.
Sec. 208. Removal of limitation on investments in auto loans.

Sec. 209. Selling and offering of deposit products.

Sec. 210. Funeral- and cemetery-related fiduciary services.

Sec. 211. Repeal of qualified thrift lender requirement with respect to out-of-state branches.

Sec. 212. Small business and other commercial loans.

Sec. 213. Clarifying citizenship of Federal savings associations for Federal court jurisdiction.

Sec. 214. Increase in limits on commercial real estate loans.

Sec. 215. Repeal of one limit on loans to one borrower.

Sec. 216. Savings association credit card banks.

Sec. 217. Interstate acquisitions by S&L holding companies.

Sec. 218. Business organization flexibility for federal savings associations.

TITLE III—CREDIT UNION PROVISIONS

Sec. 301. Privately insured credit unions authorized to become members of a Federal home loan bank.

Sec. 302. Loans of last resort on Federal facilities for credit unions.

Sec. 303. Investments in securities by Federal credit unions.

Sec. 304. Increase in general 12-year limitation of term of Federal credit union loans to 15 years.

Sec. 305. Increase in 1 percent investment limit in credit union service organizations.

Sec. 306. Member business loan exclusion for loans to nonprofit religious organizations.

Sec. 307. Check cashing and money transfer services offered within the field of membership.

Sec. 308. Voluntary mergers involving multiple common-bond credit unions.

Sec. 309. Conversions involving common-bond credit unions.

Sec. 310. Credit union governance.

Sec. 311. Providing the National Credit Union Administration with greater flexibility in responding to market conditions.

Sec. 312. Exemption from pre-merger notification requirement of the Clayton Act.

Sec. 313. Treatment of credit unions as depository institutions under securities laws.

Sec. 314. Clarification of definition of net worth under certain circumstances for purposes of prompt corrective action.

Sec. 315. Amendments relating to nonfederally insured credit unions.

TITLE IV—DEPOSITORY INSTITUTION PROVISIONS

Sec. 401. Easing restrictions on interstate branching and mergers.

Sec. 402. Statute of limitations for judicial review of appointment of a receiver for depository institutions.

Sec. 403. Reporting requirements relating to insider lending.

Sec. 404. Amendment to provide an inflation adjustment for the small depository institution exception under the Depository Institution Managers of Last resort Act.

Sec. 405. Enhancing the safety and soundness of insured depository institutions.

Sec. 406. Investments by insured savings associations in bank service companies authorized.

Sec. 407. Cross guarantee authority.

Sec. 408. Golden parachute authority and nonbank holding companies.

Sec. 409. Amendments relating to change in bank control.

Sec. 410. Community reinvestment credit for esops and esovs.

Sec. 411. Minority financial institutions.

TITLE V—DEPOSITORY INSTITUTION AFFILIATES PROVISIONS

Sec. 501. Clarification of cross marketing provision.

Sec. 502. Amendment to provide the Federal Reserve Board with discretion concerning the imputation of control of shares of a company by trustees.

Sec. 503. Eliminating geographic limits on thrift service companies.

Sec. 504. Clarification of scope of applicable rate provision.

Sec. 505. Synchronizing accounting acting as agents for affiliated depository institutions.

Sec. 506. Credit card bank investments for the public welfare.

TITLE VI—BANKING AGENCY PROVISIONS

Sec. 601. Waiver of examination schedule in order to allocate examiner resources.

Sec. 602. Interagency data sharing.

Sec. 603. Penalty for unauthorized participation by convicted individuals.

Sec. 604. Amendment to the destruction of old records of a depository institution by the FDIC after the appointment of the FDIC as receiver.

Sec. 605. Modernization of recordkeeping requirement.

Sec. 606. Streamlined reports of condition.

Sec. 607. Expansion of eligibility for 18-month examination schedule for community banks.

Sec. 608. Short form reports of condition for certain community banks.

Sec. 609. Clarification of extent of suspension, removal, and prohibition authority of Federal banking agencies in cases of certain crimes by institution-affiliated parties.

Sec. 610. Streamlining depository institution merger application requirements.

Sec. 611. Inclusion of Director of the Office of Thrift Supervision in list of banking agencies regarding insurance customer protection regulations.

Sec. 612. Protection of confidential information received by Federal banking regulators from foreign banking supervisors.

Sec. 613. Prohibition on participation by convicted individuals.

Sec. 614. Clarification to notice after separation from service may be made by an order.

Sec. 615. Enforcement against misrepresentations regarding FDIC deposit insurance coverage.

Sec. 616. Changes required to small bank holding company policy statement on assessment of financial and managerial factors.

Sec. 617. Exception to annual privacy notice requirement for depository institutions.

Sec. 618. Biennial reports on the status of agency employment of minorities and women.

Sec. 619. Coordination of State examination authority.

Sec. 620. Nonwaiver of privileges.

Sec. 621. Right to Financial Privacy Act of 1978 amendment.

Sec. 622. Deputy director; succession authority for Director of the Office of Thrift Supervision.

Sec. 623. Limitation on scope of new agency guidelines.

TITLE VII—"BSA" COMPLIANCE BURDEN REDUCTION

Sec. 701. Exception from currency transaction reports for seasoned customers.

Sec. 702. Reduction in inconsistencies in money transaction recordkeeping and reporting enforcement and examination requirements.

Sec. 703. Additional reforms relating to money transaction and recordkeeping requirements applicable to financial institutions.

Sec. 704. Study by Comptroller General.

Sec. 705. Feasibility study required.

Sec. 706. Annual report by Secretary of the Treasury.

Sec. 707. Preservation of money services businesses.

TITLE VIII—CLERICAL AND TECHNICAL AMENDMENTS

Sec. 801. Clerical amendment to the Home Owners’ Loan Act.

Sec. 802. Technical corrections to the Federal Credit Union Act.

Sec. 803. Other technical corrections.


TITLE IX—FAIR DEBT COLLECTION PRACTICES ACT AMENDMENTS

Sec. 901. Exception for certain bad check enforcement programs.

Sec. 902. Other amendments.

TITLE I—NATIONAL BANK PROVISIONS

SEC. 101. NATIONAL BANK DIRECTORS.

(a) IN GENERAL.—Section 5146 of the Revised Statutes of the United States (12 U.S.C. 72) is amended—

(1) by striking “Sec. 5146. Every director must during” and inserting the following: “Sec. 5146. REQUIREMENTS FOR BANK DIRECTORS.—

(a) RESIDENCY REQUIREMENTS.—Every director of a national bank shall, during”;

(2) by striking “total number of directors. Every director must own in his or her own right” and inserting “total number of directors.”

(b) INVESTMENT REQUIREMENT.—

(1) IN GENERAL.—Every director of a national bank shall own, in his or her own right;”;

(2) by adding at the end the following new paragraph: “(2) EXCEPTION FOR SUBORDINATED DEBT IN CERTAIN CASES.—In lieu of the requirements of paragraph (1) relating to the ownership of capital stock in the national bank, the Comptroller of the Currency may, by order or in writing, permit an individual to serve as a director of a national bank that has elected, or notifies the Comptroller of the bank’s intention to elect, to operate as a S corporation pursuant to section 1362(a) of the Internal Revenue Code of 1986, if that individual holds debt of at least $1,000 issued by the national bank that is subordinated to the interests of depositors and other general creditors of the national bank.”;

(b) CERCA AMENDMENT.—The table of sections for chapter one of title LXII of the Revised Statutes of the United States (12 U.S.C. 21 et seq.) is amended by striking the item relating to section 5146 and inserting the following new item:

“5146. Requirements for bank directors.”

SEC. 102. VOTING IN SHAREHOLDER ELECTIONS.

Section 5144 of the Revised Statutes of the United States (12 U.S.C. 61) is amended—

(1) by striking “or to cumulate” and inserting “or, if so provided by the articles of association of the national bank, to cumulate”; and

(2) by striking the comma after “his shares shall equal”;

(3) by adding at the end the following new sentence: “The Comptroller of the Currency may prescribe such regulations to carry out the purposes of this section as the Comptroller determines to be appropriate.”.

SEC. 103. SIMPLIFYING DIVIDEND CALCULATIONS FOR NATIONAL BANKS.

(a) IN GENERAL.—Section 5146 of the Revised Statutes of the United States (12 U.S.C. 60) is amended to read as follows:
SEC. 5190. NATIONAL BANK DIVIDENDS.
“(a) In General.—Subject to subsection (b), the directors of any national bank may declare a dividend of so much of the undivided profits of the bank as the directors judge to be expedient.

“(b) APPROVAL REQUIRED UNDER CERTAIN CIRCUMSTANCES.—A national bank may not declare and pay dividends in any year in excess of an amount equal to the sum of the total of the net income of the bank for that year and the retained net income of the bank in the preceding two years, minus any transfers required by the Comptroller of the Currency (including any transfers required to be made to a fund for the retirement of preferred stock), unless the Comptroller of the Currency approves the declaration and payment of dividends in excess of such amount.’’

SEC. 104. REPEAL OF OBSOLETE LIMITATION ON REMOVAL AUTHORITY OF THE COMPTROLLER OF THE CURRENCY.

Section 8(e)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1818(e)(4)) is amended by striking the 5th sentence.

SEC. 105. REPLACEMENT OF INTRASTATE BRANCH CAPITAL REQUIREMENTS.

Section 5155(c) of the Revised Statutes of the United States (12 U.S.C. 36(c)) is amended—

(1) in the 1st sentence, by striking ‘‘without regard to the capital requirements of this section,’’ and

(2) by striking the last sentence.

SEC. 106. CLARIFICATION OF WAIVER OF PUBLICATION REQUIREMENTS FOR BANK MERGER NOTICES.

The last sentence of sections 2(a) and 3(a)(2) of the National Bank Consolidation and Merger Act (12 U.S.C. 215a(a) and 215a(a)(2), respectively) are each amended by striking ‘‘Publication of notice may be waived, in cases where the Comptroller determines that an emergency exists justifying such waiver, by unanimous action of the shareholders of the association or State bank,’’ and inserting ‘‘Publication of notice may be waived if the Comptroller determines that an emergency exists justifying such waiver, by unanimous action of the shareholders of the association or State bank’’.

SEC. 108. MAINTENANCE OF A FEDERAL BRANCH OF A FOREIGN BANK.

The 1st sentence of section 4(d) of the International Banking Act of 1978 (12 U.S.C. 3102(d)) is amended to read as follows:

“(1) IN GENERAL.—Upon the opening of a Federal branch or agency of a foreign bank in any State and thereafter, the foreign bank, in addition to any deposit requirements imposed under section 6, shall keep on deposit, in accordance with such regulations as the Comptroller of the Currency may prescribe in accordance with paragraph (2), dollar deposits, investment securities, or other assets in such amounts as the Comptroller of the Currency determines to be necessary to assure the Comptroller of the Currency of the financial soundness of the foreign bank and of other investors and to be consistent with the principles of safety and soundness.

“(2) LIMITATION.—Notwithstanding paragraph (1), required under such paragraph shall not permit a foreign bank to keep assets on deposit in an amount that is less than the amount required for a State licensed branch or agency of a foreign bank under the laws and regulations of the State in which the Federal agency or branch is located.”

SEC. 111. CAPITAL EQUIVALENCY DEPOSITS FOR FEDERAL BRANCHES AND AGENCIES OF FOREIGN BANKS.

Section 4(g) of the International Banking Act of 1978 (12 U.S.C. 3102(g)) is amended to read as follows:

“(1) IN GENERAL.—If after the period of 3 years from the date of the opening of a Federal branch or agency of a foreign bank in any State and thereafter, the foreign bank, in addition to any deposit requirements imposed under section 6, shall keep on deposit, in accordance with such regulations as the Comptroller of the Currency may prescribe in accordance with paragraphs (2), (3), and (4), dollar deposits, investment securities, or other assets in such amounts as the Comptroller of the Currency determines to be necessary to assure the Comptroller of the Currency of the financial soundness of the foreign bank and of other investors and to be consistent with the principles of safety and soundness.

“(2) LIMITATION.—Notwithstanding paragraph (1), required under such paragraph shall not permit a foreign bank to keep assets on deposit in an amount that is less than the amount required for a State licensed branch or agency of a foreign bank under the laws and regulations of the State in which the Federal agency or branch is located.”

SEC. 112. ENHANCING THE AUTHORITY FOR NATIONAL BANKS TO MAKE COMMUNITY DEVELOPMENT INVESTMENTS.

The last sentence in the paragraph designated as subsection (a) of section 313B of the Revised Statutes of the United States (12 U.S.C. 24) is amended by striking “10 percent’’ each place such term appears and inserting “15 percent’’.

TITLE II—SAVINGS ASSOCIATION OF PROVISIONS

SEC. 201. PARITY FOR SAVINGS ASSOCIATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934 AND THE INVESTMENT ADVISERS ACT OF 1940.

(a) SECURITIES EXCHANGE ACT OF 1934.—


(A) in subparagraph (A), by inserting “or savings association as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)) the deposits of which are insured by the Federal Deposit Insurance Corporation,” and

(B) in subparagraph (C)—

(i) by inserting ‘‘or savings association as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)) the deposits of which are insured by the Federal Deposit Insurance Corporation,’’ after “after having supervision over banks.); and

(B) IN subparagraph (B)—

(1) in clause (ii), by striking “(i)” and inserting “(i), (ii), and (iii),” and

(ii) by striking “and” at the end of clause (iii);

(iii) by redesignating clause (iv) as clause (v); and

(iv) by inserting the following new clause after clause (v):

“(v) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b))) the deposits of which are insured by the Federal Deposit Insurance Corporation, a subsidiary or a department or division of any such savings association, or a savings and loan holding company;”

(b) IN subparagraph (C)—

(i) in clause (ii), by striking “(i)” and inserting “(i), (ii), and (iii),” and

(ii) by striking “and” at the end of clause (iii);

(iii) by redesignating clause (iv) as clause (v); and

(iv) by inserting the following new clause after clause (v):

“(v) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b))) the deposits of which are insured by the Federal Deposit Insurance Corporation, or a subsidiary of any such savings association, or a savings and loan holding company;”

(c) IN subparagraph (D)—

(i) in clause (ii), by striking “(i)” and inserting “(i), (ii), and (iii),” and

(ii) by striking “and” at the end of clause (iii);

(iii) by redesignating clause (iv) as clause (v); and

(iv) by inserting the following new clause after clause (v):

“(v) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b))) the deposits of which are insured by the Federal Deposit Insurance Corporation, a savings and loan holding company, and”

(d) IN subparagraph (E)—

(i) by striking “and” at the end of clause (iii);

(ii) by redesignating clause (iii) as clause (iv); and

(iii) by inserting the following new clause after clause (iv):

“(iv) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b))) the deposits of which are insured by the Federal Deposit Insurance Corporation, a savings and loan holding company, or a subsidiary or a department or division of any such savings association, or a savings and loan holding company;”

(e) IN subparagraph (F)—

(i) by striking “and” at the end of clause (iii);

(ii) by redesignating clauses (iii), (iv), and (v) as clauses (ii), (iii), and (iv), respectively; and

(iii) by inserting the following new clause after clause (ii):

“(iii) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b))) the deposits of which are insured by the Federal Deposit Insurance Corporation, and”

(f) BY striking paragraph (C) and inserting such subparagraph after paragraph (G); and
(G) by adding at the end the following new sentence: "As used in this paragraph, the term ‘savings and loan holding company’ has the meaning given it in section 10(a) of the Home Owners’ Loan Act (12 U.S.C. 1461(a))."

(b) INVESTMENT ADVISERS ACT OF 1940.—

(1) DEFINITION OF BANK.—Section 202(a)(2) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(11)(A)) is amended by—

(A) in subparagraph (A) by inserting "or a Federal savings association, as defined in section 2(a) of the Home Owners’ Loan Act", after "a banking institution organized under the laws of the United States"; and

(B) in subparagraph (C)—

(i) the term "banking association" as defined in section 2(a) of the Home Owners’ Loan Act, after "banking institution"; and

(ii) by inserting "or savings associations" after "small depository institutions".

(2) CONFORMING AMENDMENTS.—Subsections (a)(1)(A)(i), (a)(1)(B), (a)(2), and (b) of section 204A of such Act (15 U.S.C. 80b-10a), as added by section 220 of the Gramm-Leach-Bliley Act, are each amended by striking "bank holding company" each place it occurs and inserting "bank holding company or savings and loan holding company" each place it occurs.

(c) CONFORMING AMENDMENT TO THE INVESTMENT COMPANY ACT OF 1940.—Section 10(c) of the Investment Company Act of 1940 (15 U.S.C. 80a-10c), as added by section 219(a) of the Gramm-Leach-Bliley Act, is amended by inserting after "(‘56)"

the following: "(o) any one savings and loan holding company (together with its affiliates and subsidiaries) (as such terms are defined in section 10 of the Home Owners’ Loan Act)."

SEC. 202. INVESTMENTS BY FEDERAL SAVINGS ASSOCIATIONS AUTHORIZED TO PROMOTE THE PUBLIC WELFARE.

(a) IN GENERAL.—Section 5(b)(3) of the Home Owners’ Loan Act (12 U.S.C. 1464(c)) is amended by adding at the end the following new subparagraph:

"(D) DIRECT INVESTMENTS TO PROMOTE THE PUBLIC WELFARE.—"

(ii) In general.—A Federal savings association may make investments designed primarily to promote the public welfare, including the welfare of low- and moderate-income communities or families through the provision of housing, services, and jobs.

(iii) Direct investments or acquisition of investment companies.—In making any investment under clause (i) may be made directly or by purchasing interests in an entity primarily engaged in making such investments.

(iv) Limitation on unlimited liability.—No investment shall be made under this subparagraph which would subject a Federal savings association to unlimited liability to any person.

(v) Single investment limitation to be established by Director.—Subject to clauses (v) and (vi), the Director shall establish, by order or regulation, limits on—

(I) the amount that any savings association may invest in any 1 project; and

(II) the aggregate amount of investments of any savings association under this subparagraph.

(vi) Flexible aggregate investment limitation.—The aggregate amount of investments of any savings association under this subparagraph may not exceed an amount equal to the sum of 5 percent of the savings association’s capital stock actually paid in and unimpaired and 15 percent of the savings association’s unimpaired surplus, unless—

(I) the Director determines that the savings association is adequately capitalized; and

(II) the Director determines, by rule, that the aggregate amount of investments in a higher amount than the limit under this clause will pose no significant risk to the deposits of the savings association.

(vii) Maximum aggregate investment limitation.—Notwithstanding clause (v), the aggregate amount of investments of any savings association under this subparagraph may not exceed an amount equal to the sum of 15 percent of the savings association’s capital stock actually paid in and unimpaired and 15 percent of the savings association’s unimpaired surplus.

(‘‘VII) INVESTMENTS NOT SUBJECT TO OTHER LIMITATION ON QUALITY OF INVESTMENTS.—No obligation of any savings association acquires or retains under this subparagraph shall be taken into account for purposes of the limitation contained in section 20(b) of the Federal Deposit Insurance Act for the acquisition and retention of any corporate debt security not of investment grade.

(’’) TECHNICAL AND ConFORMING AMENDMENT.—Subparagraph (A) of the Home Owners’ Loan Act (12 U.S.C. 1464(c)(3)(A)) is amended to read as follows:

"(A) [Repealed]."


Section 5(d)(3) of the Home Owners’ Loan Act (12 U.S.C. 1464(d)(3)) is amended—

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

(2) by inserting after subparagraph (A) the following new subparagraph:

"(B) MERGERS AND CONSOLIDATIONS WITH NONDEPOSITORY INSTITUTION AFFILIATES.—"

(ii) In general.—The Director, a Federal savings association may merge with any nondepository institution affiliate of the savings association.

(iii) Rule of construction.—No provision of clause (i) shall be construed as—

(1) affecting the applicability of section 18(c) of the Federal Deposit Insurance Act; or

(2) granting a Federal savings association any power or any authority to engage in any activity that is not authorized for a Federal savings association under any other provision of this Act or any other law.

SEC. 204. REPEAL OF STATUTORY DIVIDEND NOTICE REQUIREMENT FOR SAVINGS AND LOAN HOLDING COMPANIES.

Section 10(i) of the Home Owners’ Loan Act (12 U.S.C. 1467a(i)) is amended to read as follows:

"(f) DECLARATION OF DIVIDEND.—The Director may—"

(1) require a savings association that is a subsidiary of a savings and loan holding company to give prior notice to the Director of the intent of the savings association to pay a dividend on its guaranty, permanent, or other nonwithdrawable stock; and

(2) establish conditions on the payment of dividends by such a savings association.

SEC. 205. MODERNIZING STATUTORY AUTHORITY FOR TRUST OWNERSHIP OF SAVINGS AND LOAN HOLDING COMPANIES.

(a) IN GENERAL.—Section 16(a)(1)(C) of the Home Owners’ Loan Act (12 U.S.C. 1467a(a)(1)(C)) is amended—

(1) by striking "trust," and inserting "business trust,"; and

(2) by inserting "or any other trust unless by its terms it must terminate within 25 years or not later than 21 years and 10 months after the death of an individual living on the effective date of the trust," after "or similar organization.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 16(a)(3) of the Home Owners’ Loan Act (12 U.S.C. 1467a(a)(3)) is amended—

(1) by striking "does not include—" and all that follows through "such term appears in subparagraph (A)" and inserting "does not include any company by virtue of";

(2) by striking ";" and "at the end of subparagraph (A) and inserting a period; and

(3) by striking subparagraph (B).

SEC. 206. REPEAL OF OVERLAPPING RULES GOVERNING PURCHASED MORTGAGE SERVICING RIGHTS.

Section 5(c)(1) of the Home Owners’ Loan Act (12 U.S.C. 1464(c)(1)) is amended—

(1) by striking paragraph (4) and inserting the following new paragraph:

"(4) [Repealed];"

and

(2) by striking paragraph (9)(A), by striking "intangible assets, plus" all that follows through the period at the end and inserting "intangible assets.

SEC. 207. RESTATEMENT OF AUTHORITY FOR FEDERAL SAVINGS ASSOCIATIONS TO INVEST IN SMALL BUSINESS INVESTMENT COMPANIES.

Subparagraph (D) of section 5(c)(4) of the Home Owners’ Loan Act (12 U.S.C. 1464(c)(4)) is amended to read as follows:

"(D) SMALL BUSINESS INVESTMENT COMPANIES.—Any Federal savings association may invest in 1 or more small business investment companies, or in any entity established to invest solely in small business investment companies formed under the Small Business Investment Act of 1958, except that the total amount of investments under this subparagraph may not at any time exceed the amount equal to 10 percent of the capital and surplus of the savings association.

SEC. 208. REMOVAL OF LIMITATION ON INVESTMENTS IN AUTO LOANS.

(a) IN GENERAL.—Section 5(c)(1) of the Home Owners’ Loan Act (12 U.S.C. 1464(c)(1)) is amended by adding at the end the following new subparagraph:

"(V) AUTO LOANS.—Loans and leases for motor vehicles acquired for personal, family, or household purposes.

(b) TECHNICAL AND CONFORMING AMENDMENT RELATING TO QUALIFIED THRIFT INVESTMENTS.—Section 1813(m)(4)(C)(iii) of the Home Owners’ Loan Act (12 U.S.C. 1813(m)(4)(C)(iii)) is amended by adding at the end the following new clause:

"(VIII) Loans and leases for motor vehicles acquired for personal, family, or household purposes.

SEC. 209. SELLING AND OFFERING OF DEPOSIT PRODUCTS.

Section 15(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(h)) is amended by adding at the end the following new paragraph:

"(d) SELLING AND OFFERING OF DEPOSIT PRODUCTS.—No law, rule, regulation, or order, or other administrative action of any State or political subdivision thereof shall directly or indirectly require any investment of 1 Federal savings association (as such term is defined in section 25(b) of the Home Owners’ Loan Act (12 U.S.C. 1462(b)) in selling or offering (as such term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813(i)) products issued by such association to qualify or register as a broker, dealer, associated person of a broker, or associated person of a dealer, or to qualify or register in any other similar status or capacity, if the individual does not—"

(1) accept deposits or make withdrawals on behalf of any customer of the association;

(2) offer or sell a deposit product as an agent for another entity that is not subject to supervision and examination by a Federal banking agency (as defined in section 3(c) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)), the National Credit Union Administration, or any other agency or authority of any State which has primary regulatory authority over State banks, State savings associations, or State credit unions;

(3) offer or sell a deposit product that is not an insured deposit (as defined in section 3(m) of the Federal Deposit Insurance Act (12 U.S.C. 1813(m));

(4) offer or sell a deposit product which contains a feature that makes it callable at the option of such Federal savings association; or
"(E) create a secondary market with respect to a deposit product or otherwise add enhancements or features to such product independent of those offered by the association."

SEC. 210. FUNERAL- AND CEMETERY-RELATED FI-
DUCIARY SERVICES.

Section 5(n) of the Home Owners’ Loan Act (12 U.S.C. 1464(n)) is amended by adding at the end of the subsection the following paragraph:

"(11) FUNERAL- AND CEMETERY-RELATED FI-
DUCIARY SERVICES.—

(A) IN GENERAL.—A funeral director or ceme-
tery operator, when acting in such capacity, (or any other person in connection with a contract or other agreement with a funeral director or cemetery operator) may engage any Federal sav-
ings association (and any one of whom the asso-
ciation is located, to act in any fiduciary capac-
ity in which the savings association has the right to act in accordance with this section, in-
cluding holding funds deposited in trust or es-
crow by the funeral director or cemetery oper-
ator (or by such other party), and the savings
association may act in such fiduciary capacity on behalf of the funeral director or cemetery op-
erator (or such other person).

(B) DEFINITIONS.—For purposes of this para-
graph, the following definitions shall apply:

(i) CEMETERY OPERATOR.—The term ‘‘ceme-
tery operator’’ means any person who contracts or accepts payment for merchandise, endow-
ment, or perpetual care services in connection with a cemetery.

(ii) FUNERAL DIRECTOR.—The term ‘‘funeral
director’’ means any person who contracts or ac-
cepts payment to provide or arrange

(iii) CEMETERY OPERATOR.—The term ‘‘ceme-
tery operator’’ means any person who contracts or accepts payment for merchandise, endow-
ment, or perpetual care services in connection with a cemetery.

(iv) FUNERAL DIRECTOR.—The term ‘‘funeral
director’’ means any person who contracts or ac-
cepts payment to provide or arrange——

(iv) CEMETERY OPERATOR.—The term ‘‘ceme-
tery operator’’ means any person who contracts or accepts payment for merchandise, endow-
ment, or perpetual care services in connection with a cemetery.

SEC. 211. REPEAL OF QUALIFIED THRIFT LENDER
REQUIREMENT WITH RESPECT TO OUT-OF-STATE BRANCHES.

Section 5(c)(1) of the Home Owners’ Loan Act (12 U.S.C. 1464(c)(1)) is amended by striking the last sentence.

SEC. 212. SMALL BUSINESS AND OTHER COMMER-
CIAL LOANS.

(a) ELIMINATION OF LENDING LIMIT ON SMALL BUSINESS LOANS.—Section 5(c)(1) of the Home Owners’ Loan Act (12 U.S.C. 1464(c)(1)) is amended in subparagraph (B) and all the following new subparagraph:

"(12) SMALL BUSINESS LOANS.—Small business
loans, defined in regulations which the Di-
tector shall prescribe.”.

(b) INCREASE IN LENDING LIMIT ON OTHER BUSINESS LOANS.—Section 5(c)(2)(A) of the Home Owners’ Loan Act (12 U.S.C. 1464(c)(2)(A)) is amended by striking “,” and amounts in excess of 10 percent” and all that follows through “by the Director.

SEC. 213. CLAYTON’S PRIVILEGE OF FEDERAL SAVINGS ASSOCIATIONS FOR FEDER-
AL COURT JURISDICTION.

Section 5 of the Home Owners’ Loan Act (12 U.S.C. 1464) is amended by adding at the end the following new subsection:

"(c) HOME STATE CITIZENSHIP.—In deter-
mining whether a Federal court has diversity ju-
risdiction over a case in which a Federal savings asso-
ciation is a party, the Federal savings asso-
ciation shall be considered to be a citizen only of the States in which such savings association has its home office, and its principal place of (if the principal place of business is in a different State than the home office)."

SEC. 214. INCREASE IN LIMITS ON COMMERCIAL
LOANS.

Section 5(c)(2)(B)(i) of the Home Owners’ Loan Act (12 U.S.C. 1464(c)(2)(B)(i)) is amended by striking “400 percent” and inserting “500 percent”.

SEC. 215. REPEAL OF ONE LIMIT ON LOANS TO ONE BORROWER.

Subparagraph (a) of section 5(a)(2) of the Home Owners’ Loan Act (12 U.S.C. 1464(a)(2)(A)) is amended by striking “and inserting “For any” and inserting “For
any”;

SEC. 216. SAVINGS ASSOCIATION CREDIT CARD
BANKS.

Title 10 of the Home Owners’ Loan Act (12 U.S.C. 1467a) is amended by adding at the end the following new subsection:

"(a) In general.—Section 5(a)(1) of the Home Owners’ Loan Act (12 U.S.C. 1464(a)(1)) is amended by inserting ‘‘and such term does not include an in-
titiation described in section 2(c)(2)(F) of the Bank Holding Company Act of 1956 for purposes of subsections (a)(1)(E), (c)(3)(B)(i), (c)(9)(C)(ii), and (c)(3)) before the end of the last sentence.

SEC. 217. INTERSTATE ACQUISITIONS BY S&L
HOLDING COMPANIES.

Section 10(e)(3) of the Home Owners’ Loan Act (12 U.S.C. 1467a(o)(3)) is amended—

(1) by striking subparagraphs (A), (B), and (C) as added by section 213 following new subpara-
graph;

(2) by redesignating subclauses (II), (III), and (IV) as (I), (II), and (III), respectively;

(3) in clause (ii), by striking ‘‘to develop do-
mestic’’ and inserting ‘‘To develop domestic.’’

SEC. 218. BUSINESS ORGANIZATION FLEXIBILITY FOR FEDERAL SAVINGS ASSOCIA-
TIONS.

(a) In General.—Section 5 of the Home Owners’ Loan Act (12 U.S.C. 1464) is amended by in-
serting after subsection (a) (as added by section 213) following new subsection:

"(y) ALTERNATIVE BUSINESS ORGANIZATION.—

(1) IN GENERAL.—The Director may prescribe regulations that—

(A) permit a Federal savings association to be organized other than as a corporation; and

(B) provide requirements for the organiza-
tional structure of Federal savings asso-
ciation organized and operating other than as a corporation, consistent with the safety and soundness of the Federal savings association.

(2) EQUAL DUTIES.—Except as otherwise provided in regulations prescribed under sub-
section (1), a Federal savings association that is operating other than as a corporation shall have the same rights and privileges and shall be subject to the same duties, restrictions, pen-
alties, liabilities, conditions, and limitations as a Federal savings association that is organized as a corporation.

(b) TECHNICAL AND CONFORMING AMEND-
MENTS.—

(1) Section 5(a)(1) of the Home Owners’ Loan Act (12 U.S.C. 1464(a)(1)) is amended by striking “organization, incorporation,” and inserting “organization (as a corporation or other form of business organization provided under regulations prescribed by the Director under subsection (x)).”.

(2) The last sentence of section 5(i)(1) of the Home Owners’ Loan Act (12 U.S.C. 1464(i)(1)) is amended by inserting “corporate” and inserting “corporated”.

(3) Section 5(o)(1) of the Home Owners’ Loan Act (12 U.S.C. 1466(a)(1)) is amended by inserting “organization (as a corporation or other form of business organization provided under regula-

tions prescribed by the Director under subsection (x)).”.

TITILE III—CREDIT UNION PROVISIONS

SEC. 301. PRIVATELY INSURED CREDIT UNIONS
MAY BECOME MEMBERS OF A FEDERAL HOME LOAN BANK.

(a) In General.—Section 4(a) of the Federal Home Loan Bank Act (12 U.S.C. 1424(a)) is amended by adding at the end the following new paragraph:

"(5) certain privately insured credit unions—

(a) in general.—A credit union which has been determined, in accordance with section 43(c)(1) of the Federal Deposit Insurance Act and subject to the requirements of subparagraph (B) (but all eligibility requirements for Fed-
eral deposit insurance shall be treated as an ins-
ured depository institution for purposes of de-
temining the eligibility of such credit union for membership in a Federal home loan bank under paragraphs (1), (2), and (3).

(b) CERTIFICATION BY APPROPRIATE SUPER-
VISORY AGENCY.

(1) In General.—For purposes of this para-
graph and subject to clause (ii), a credit union which lacks Federal deposit insurance and which has applied for membership in a Federal home loan bank may be treated as having all the eligibility requirements for Federal deposit insurance only if the appropriate supervisor of the credit union to which the charter has been granted has determined that the credit union meets all the eligibility requirements for Federal deposit insurance as of the date of the application for membership.

(ii) Certification deemed valid.—If, in the case of any credit union to which clause (i) ap-
plies, the appropriate supervisor of the State in which such credit union is organized fails to make a determination pursuant to such clause by the end of the 6-month period beginning on the date of the application, the credit union shall be deemed to have met the requirements of clause (i).

(c) SECURITY INTERESTS OF FEDERAL HOME
LOAN BANK NOT AVOIDABLE.—Notwithstanding any provision of State law authorizing a conser-
vator or liquidating agent of a credit union to repudiate contracts, no such provision shall apply with respect to—

(1) any extension of credit from any Federal home loan bank to any credit union which is a member of any such bank pursuant to this para-
graph; or

(ii) any security interest in the assets of such credit union securing any such extension of credit.

(b) COPY OF AUDITS OF PRIVATE INSURERS OF CERTAIN DEPOSITORY INSTITUTIONS RE-
QUIRED TO BE PROVIDED TO SUPERVISORY AGEN-
CIES.—Section 43(a)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1831q(a)(2)) is amend-
ed—

(1) by striking “and” at the end of subpara-
graph (A)(i); and

(2) by striking the period at the end of clause (ii) of subparagraph (A) and inserting a semi-
colon;

(3) by inserting the following new clauses at the end of subparagraph (A):—

(iii) in the case of depository institutions de-
scribed in subsection (j)(2)(A) the deposits of which are insured by the National Credit Union Administration, not later than 7 days after that audit is completed; and

(iv) in the case of depository institutions de-
scribed in subsection (j)(2)(A) the deposits of which are insured by the private insurer which are members of a Federal home loan bank, the Federal Housing Finance Board, not later than 7 days after that audit is completed;

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

(C) CONSULTATION.—The appropriate super-
visory agency of each credit union which a private deposit insurer insures deposits in an institution described in subsection (j)(2)(A) which—

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"(i) lacks Federal deposit insurance; and
"(ii) has become a member of a Federal home loan bank,
shall provide the National Credit Union Admin-
istration, upon request, with the results of any exam-
nation and reports related thereto concern-
ing the private deposit insurer to which such agency may have in its possession.”.

SEC. 302. LEASES OF LAND ON FEDERAL FACIL-
ITIES FOR CREDIT UNIONS.
(a) IN GENERAL.—Section 124 of the Federal Credit Union Act (12 U.S.C. 1770) is amended—
(1) by striking “Upon application by any credit union” and inserting “Notwithstanding any provision of law, upon application by any credit union”;
(2) by inserting “on lands reserved for the use of, and under the exclusive or concurrent juris-
diction of, the United States or” after “officer or agency of the United States charged with the allotment of space”;
(3) by inserting “lease land or” after “such officer or agency may in his or its discretion”;
and
(4) by inserting “or the facility built on the
lease land” after “credit union to be served by
the allotment of space”.
(b) FEDERAL ASSESSMENT.—The heading for section 124 is amended by inserting “OR FED-
ERAL LAND” after “BUILDINGS”.

SEC. 303. INVESTMENTS IN SECURITIES BY
FEDERAL CREDIT UNIONS.
Section 107 of the Federal Credit Union Act (12 U.S.C. 1757) is amended—
(1) in the matter preceding paragraph (1) by striking “A Federal credit union” and inserting “(a) IN GENERAL.—Any Federal credit union”;
and
(2) by adding at the end the following new sub-
section:
(2) FEDERAL INVESTMENT AUTHORITY.—
“(1) IN GENERAL.—In addition to any invest-
ments otherwise authorized, a Federal credit union
may purchase and hold for its own ac-
count such investment securities of investment grade as the Board may authorize by regula-
tion, subject to such limitations and restrictions
as the Board may prescribe in the regulations.
“(2) PERCENTAGE LIMITATIONS.—
“(A) SINGLE OBLIGOR.—In no event may the total amount of investment securities of any single obligor or maker held by a Federal credit union for the credit union’s own account exceed at any time an amount equal to 10 percent of the net worth of the credit union.
“(B) AGGREGATE INVESTMENTS.—In no event may the aggregate amount of investment se-
curities held by a credit union for the credit union’s own account exceed at any time an amount equal to 10 percent of the assets of the credit union.
“(C) INVESTMENT SECURITY DEFINED.—
“(A) IN GENERAL.—For purposes of this sub-
section, the term ‘investment security’ means marketable obligations evidencing the indebted-
ness of any person in the form of bonds, notes, or debentures and other instruments commonly referred to as investment securities.
“(B) FURTHER DEFINITION BY BOARD.—The
Board may further define the term ‘investment security’.
“(4) INVESTMENT GRADE DEFINED.—The term ‘investment grade’ means with respect to an in-
vestment security purchased by a credit union
for its own account, an investment security that
at the time of purchase is rated in one of the
4 highest rating categories by at least 1 na-
tionally recognized statistical rating organiza-
tion.
“(5) CLARIFICATION OF PROHIBITION ON STOCK
OWNERSHIP.—No provision of this subsection
shall be construed as authorizing a Federal credit
union to acquire shares of stock of any cor-
poration for the credit union’s own account, except as otherwise permitted by law.”.

SEC. 304. INCREASE IN GENERAL 12-YEAR LIMITA-
TION OF TERM OF FEDERAL CREDIT
UNION LOANS TO 15 YEARS.
Section 107(a)(4) of the Federal Credit Union Act (12 U.S.C. 1757(5)) (as so designated by sec-
tion 303 of this title) is amended—
(1) in the matter preceding subparagraph (A), by striking “12 years or any longer maturity” and inserting “15 years or any longer maturity”.
(2) by redesignating clauses (ii) through (ix)
as clauses (iii) through (xi), respectively; and
(3) by inserting “and” after the semicolon at the end of clause (viii) (as so redesignated).

SEC. 305. INCREASE IN 1 PERCENT INVESTMENT
LIMIT IN CREDIT UNION SERVICE OR-
DER ORGANIZATIONS.
Section 107(a)(7)(D) of the Federal Credit Union Act (12 U.S.C. 1757(7)(D)) (as so des-
ignated by section 303 of this title) is amended by inserting “up to 1 percent of the total paid” and inserting “up to 3 percent of the total paid”.

SEC. 306. MEMBER BUSINESS LOAN EXCLUSION
FOR NONPROFIT RELIGIOUS ORG-
ANIZATIONS.
Section 107(a)(6) of the Federal Credit Union Act (12 U.S.C. 1757(6a)) (as so designated by section 303 of this title) is amended by inserting after “ regulates nonprofit religious organizations,” after “total amount of such loans.”

SEC. 307. CHECK CASHING AND MONEY TRANS-
FER SERVICES OFFERED WITHIN THE
FIELD OF MEMBERSHIP.
Section 107(a)(12) of the Federal Credit Union Act (12 U.S.C. 1757(12)) (as so de-
signated by section 303 of this title) is amended to read as follows:
“(12) in accordance with regulations pre-
scribed by the Board—
“(A) to sell, to persons in the field of mem-
bership, negotiable checks (including traveler checks), money orders, and other similar money transfer instruments (including international and domestic electronic fund transfers); and
“(B) to cash checks and money orders and re-
ceive international and domestic electronic fund transfers for persons in the field of membership for a fee.”.

SEC. 308. VOLUNTARY MERGERS INVOLVING MULT-
IPLE COMMON-BOND CREDIT UNIONS.
Section 109(d)(2) of the Federal Credit Union Act (12 U.S.C. 1759(d)(2)) is amended—
(1) by striking “or” at the end of clause (ii) of subparagraph (B),
(2) by striking the period at the end of sub-
paragraph (C) and inserting “; or”;
and
(3) by adding at the end the following new sub-
paragraph:
“(D) a merger involving any such Federal credit union approved by the Board on or after August 7, 1998.

SEC. 309. CONVERSIONS INVOLVING COMMON-
BOND CREDIT UNIONS.
Section 109(g) of the Federal Credit Union Act (12 U.S.C. 1759(g)) is amended by inserting after paragraph (2) the following new paragraph:
“(3) CRITERIA FOR CONTINUING MEMBERSHIP
OF CERTAIN MEMBER GROUPS IN COMMUNITY CHAR-
ITY CONVERSIONS.—In the case of a voluntary
conversion of a credit union described in paragraph (1) or (2) of subsection (b) into a community credit union described in sub-
section (b)(3), the Board shall prescribe, by reg-
ulation, the criteria that shall be used to con-
determine that a member group or other portion
of a credit union’s existing membership, that is located outside the well-defined local commu-
nity that the credit union serves, shall constitute the community charter, can be satis-
factorily served by the credit union and remain
within the community credit union’s field of mem-
bership.”.

SEC. 310. CREDIT UNION GOVERNANCE.
(a) EXPULSION OF MEMBERS FOR JUST CAUSE.
(D) Subsection (b) of section 119 of the Fed-
eral Credit Union Act (12 U.S.C. 1764(b)) is amended to read as follows:
“(B) POLICY AND ACTIONS OF BOARDS OF DI-
RRECTORS OF FEDERAL CREDIT UNIONS
“(1) EXPULSION OF MEMBERS FOR NONPARTICI-
PATION OR FOR JUST CAUSE.—The board of
directors of a Federal credit union may, by majority
vote of a quorum of directors, adopt and enforce a policy with respect to expulsion from membership, by a majority vote of such board of direc-
tors, on just cause, of any member group or other portion of a credit union operation, or on nonpartici-
pation by a member in the affairs of the credit
union.
“(2) WRITTEN NOTICE OF POLICY TO MEM-
BERS.—If a policy described in paragraph (1) is adopted, written notice of the policy as adopted and the effective date of such policy shall be provided to—
“(A) each existing member of the credit union not less than 30 days prior to the effective date of such policy; and
“(B) each new member prior to or upon applic-
ing for membership.”.
(b) TERM LIMITS AUTHORIZED FOR BOARD MEM-
BERS OF FEDERAL CREDIT UNIONS.—Section
111(a)(1) of the Federal Credit Union Act (12 U.S.C. 1761(a)) is amended by adding at the end the following new sentence: “The bylaws of a Federal credit union may limit the number of consecutive terms any person may serve on the board of directors of such credit union.”.
(c) REIMBURSEMENT FOR LOST WAGES DUE TO
SERVICE ON CREDIT UNION BOARD NOT TREATED AS
COMPENSATION.—Section 111(c) of the Fed-
eral Credit Union Act (12 U.S.C. 1761(c)) is amended by inserting “, including lost wages,” after “the reimbursement of reasonable ex-

SEC. 311. PROVIDING THE NATIONAL CREDIT
UNION ACT WITH GREATER FLEXIBILITY IN RESPOND-
NING TO MARKET CONDITIONS.
Section 107(a)(10) of the Federal Credit Union Act (12 U.S.C. 1757(a)(10)) (as so designated by section 303 and redesignated by section 304(2)(B) of this title) is amended by striking “six-month period and that prevailing interest rate level” and inserting “6-month pe-
riod or that prevailing interest rate level”.

SEC. 312. EXEMPTION FROM PRE-MERGER NOTIF-
ICATION REQUIREMENT OF THE
CLAYTON ACT.
Section 7A(c)(7) of the Clayton Act (15 U.S.C. 18a(c)(7)) is amended by inserting “section 201(a)(1) of the Federal Credit Union Act (12 U.S.C. 178g(b)(3)),” before “or section 3.”.

SEC. 313. TREATMENT OF CREDIT UNIONS AS DE-
POSITARY INSTITUTIONS UNDER SEC-
URITY LAWS.
(a) DEFINITION OF BANK UNDER THE SECURI-
TIES EXCHANGE ACT OF 1934.—Section
3(a)(6) of the Securities Exchange Act of 1934 (15 U.S.C. 78a(c)(6)) (as amended by section 201(a)(1) of this Act) is amended—
(1) by striking “this title, and (D) a receiver” and inserting “this title, and (A) an insured credit union (as defined in section 101(7) of the Federal Credit Union Act) but only for purposes of paragraphs (4) and (5) of this subsection and only for activities otherwise authorized by any applicable laws to which such credit unions are subject, and (B) a receiver”;
and
(2) in subparagraph (B) as so redesignated by paragraph (1) of this subsection) by striking “(A), (B), or (C)” and inserting “(A), (B), (C), or (D)”.

(b) DEFINITION OF BANK UNDER THE INVEST-
MENT ADVISERS ACT OF 1940.—Section
201(a)(2) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–9(a)(2)) (as amended by section 201(b)(1) of this Act) is amended—
(1) by striking “this title, and (D) a receiver” and inserting “this title, (D) an insured credit
union (as defined in section 101(7) of the Federal Credit Union Act) but only for activities otherwise authorized by applicable laws to which such credit unions are subject, and (E) a receiver.

(b) In general.—(1) Amendment.—Subsection (b) of section 1831t(b)(2) of the Federal Credit Union Act (12 U.S.C. 1831t(b)(2)) is amended to read as follows:

"(b) Enforcement.—

(1) LIMITED FTC ENFORCEMENT AUTHORITY.—Compliance with the requirements of subsections (b) and (c), and any regulation prescribed or order issued under any such subsection, shall be enforced under the Federal Trade Commission Act by the Federal Trade Commission.

SEC. 314. CLARIFICATION OF DEFINITION OF NET WORTH UNDER CERTAIN CIRCUMSTANCES FOR PURPOSES OF PROMPT CORRECTIVE ACTION.

Subsection (a) of section 216(d)(2) of the Federal Credit Union Act (12 U.S.C. 1790d(c)(2)(A)) is amended by inserting "and including the National Credit Union Administration Board, in the case of an insured credit union (as defined in section 101(7) of the Federal Credit Union Act)" before the period at the end.

SEC. 315. AMENDMENTS RELATING TO NONFEDERALLY INSURED CREDIT UNIONS.

(a) In general.—(1) 1831t(b)(3)) is amended to read as follows:

"(b)(3) is amended to read as follows:

"(b) Enforcement.—

(1) LIMITED FTC ENFORCEMENT AUTHORITY.—Compliance with the requirements of subsections (b) and (c), and any regulation prescribed or order issued under any such subsection, shall be enforced under the Federal Trade Commission Act by the Federal Trade Commission.

(b) In general.—Subject to subparagraph (C), an appropriate State supervisor of a depository institution lacking Federal deposit insurance may examine and enforce compliance with the requirements of this section, and any regulation prescribed under this section.

STATE POWERS.—For purposes of bringing any action to enforce compliance with this section, no provision of this section shall be construed as preventing an appropriate State supervisor of a depository institution lacking Federal deposit insurance from exercising any powers conferred on such official by the laws of such State.

"(C) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION PENDING.—If the Federal Trade Commission has instituted an enforcement action against such depository institution, such State or States shall not bring any action under this section against any defendant named in the complaint of the Commission for any violation of this section that is alleged in that complaint.

(b) In general.—Subject to subparagraph (C), an appropriate State supervisor may, during the pendency of such action, bring an action under this section against any defendant named in the complaint of the Commission for any violation of this section that is alleged in that complaint.

TITLE IV—DEPOSITORY INSTITUTIONS

SEC. 401. EASING RESTRICTIONS ON INTERSTATE BRANCING AND MERGERS.

(a) De Novo Interstate Branches of National Banks.—(1) In general.—Section 5155(h)(1) of the Revised Statutes of the United States (12 U.S.C. 360(g)(1)) is amended by striking "maintain a branch if—" and all that follows through the end of subparagraph (B) and inserting "maintain a branch.

(b) De Novo Interstate Branches of State Nonmember Banks.—(1) In general.—Section 18(d)(4)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1828(d)(4)(A)) is amended by striking "maintain a branch if—" and all that follows through the end of clause (ii) and inserting "maintain a branch.

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(1) which became an insured depository institution on the date referred to in clause (iii)(1), and remained an affiliate at all times after such date. 

(3) TERMINAL AND CONFORMING AMENDMENTS.—Section 18(d)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1828(d)(4)) is amended—

(A) in subparagraph (A) by striking “Subject to subparagraph (B)” and inserting “Subject to subparagraph (B) and paragraph (3)(C)”;

(B) in subparagraph (D) and (E), by striking “The term ‘bank’ and inserting “For purposes of this subsection, the term ‘bank’.”

(4) CLERICAL AMENDMENT.—The heading for paragraph (4) of section 18(d) of the Federal Deposit Insurance Act is amended to read as follows:

(5) APPLICABILITY TO INDUSTRIAL LOAN COMPANIES.—No provision of this section shall be construed as authorizing the approval of any industrial loan company, or any State bank, or any other institution, to act as a bank or trust company, or to authorize or permit the exercise of any or all of the foregoing powers by State banks or other corporations which compete with national banks, the granting to and the exercise of such powers by a State bank as provided in this paragraph shall not be deemed to be in contradiction of state law within the meaning of this paragraph.

(6) STATE BANK INCLUDES TRUST COMPA—NIES.—For purposes of this paragraph, the term ‘State bank’ includes any State-chartered trust company (as defined in section 44(g)).

(7) OTHER POWERS AND Duties.—For purposes of this paragraph, the terms ‘home State’ and ‘host State’ have the meanings given such terms in section 44.

(8) TERMINAL AND CONFORMING AMENDMENTS.—

(1) Section 44 of the Federal Deposit Insurance Act (12 U.S.C. 1831a) is amended—

(A) in subsection (b)(1)—

(i) by striking paragraph (4) and inserting the following new paragraph:

(ii) by striking paragraphs (5) and (6) and inserting the following:

(iii) by striking subparagraphs (B) and (C) and inserting the following:

(iv) by striking paragraph (B) or (D) and inserting “The Comptroller of the Currency and ‘State member bank’ for ‘national bank’.”

(v) the heading for section 44(b)(2)(E) of the Federal Deposit Insurance Act (12 U.S.C. 1831a(b)(2)(E)) is amended by striking “bank” and inserting “insured depository institution”;

(vi) by striking “bank” and inserting “insured depository institution”;

(vii) by striking “bank” and inserting “insured depository institution”;

(viii) by striking “bank” and inserting “insured depository institution”;

(ix) by striking “bank” and inserting “insured depository institution”;

(x) by striking “bank” and inserting “insured depository institution”;

(xi) by striking “bank” and inserting “insured depository institution”;

(xii) by striking “bank” and inserting “insured depository institution”;

(xiii) by striking “bank” and inserting “insured depository institution”;

(xiv) by striking “bank” and inserting “insured depository institution”;

(xv) by striking “bank” and inserting “insured depository institution”;

(xvi) by striking “bank” and inserting “insured depository institution”;

(xvii) by striking “bank” and inserting “insured depository institution”;

(xviii) by striking “bank” and inserting “insured depository institution”;

(xix) by striking “bank” and inserting “insured depository institution”;

(xx) by striking “bank” and inserting “insured depository institution”;

(2) The heading for section 44(e) of the Federal Deposit Insurance Act (12 U.S.C. 1831e(e)) is amended by striking “banks” and inserting “insured depository institutions”;

(3) The term ‘host State’ means—

(a) with respect to a bank, a State, other than the home State of the trust company, in which the main office of the bank or savings association is located; and

(b) with respect to a State bank, State savings associations, or State-chartered trust companies, or institution which is incorporated under the laws of any State, that is authorized to act in 1 or more fiduciary capacities but is not engaged in the business of receiving deposits other than trust funds (as defined in section 3(p)).

(2) Section 3(d) of the Bank Holding Company Act of 1956, as added by section 4(b) of the Federal Deposit Insurance Act (12 U.S.C. 1842(d)) is amended—

(A) in paragraph (1)—

(i) by striking subparagraphs (B) and (C); and

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

(B) in paragraph (5), by striking “paragraph (B) or (D)” and inserting “paragraph (B) or (D)”;

(3) Subsection (c) of section 4 of the National Bank Consolidation and Merger Act (12 U.S.C. 1841(c)) is amended to read as follows:

(c) DEFINITIONS.—For purposes of this section, the terms ‘home State’, ‘out-of-State bank’, and ‘trust company’ each have the same meaning as in section 4(g) of the Federal Deposit Insurance Act.

(g) CLERICAL AMENDMENTS.—

(1) The heading for section 44(b)(2)(E) of the Federal Deposit Insurance Act (12 U.S.C. 1831a(b)(2)(E)) is amended by striking “banks” and inserting “insured depository institutions”;

(2) The heading for section 44(e) of the Federal Deposit Insurance Act (12 U.S.C. 1831e(e)) is amended by striking “banks” and inserting “insured depository institutions”;

(3) SEC. 402. STATUTES OF LIMITATIONS FOR JUDICIAL REVIEW OF APPOINTMENT OF A RECEIVER FOR DEPOSITORY INSTITUTIONS.

(a) NATIONAL BANKS.—Section 2 of the National Bank Receivership Act (12 U.S.C. 191) is amended—

(1) by striking “SECTION 2. The Comptroller of the Currency” and inserting the following:

(2) SEC. 2. APPOINTMENT OF RECEIVER FOR A NATIONAL BANK.

(a) IN GENERAL.—The Comptroller of the Currency”;

and
(2) by adding at the end the following new subsection:

“(b) JUDICIAL REVIEW.—If the Comptroller of the Currency appoints a receiver under subsection (a), the national bank may, within 90 days thereafter, bring an action in the United States district court for the judicial district in which the home office of such bank is located, or in the United States District Court for the District of Columbia, for an order requiring the Comptroller of the Currency to remove the receiver, and the court shall, upon the merits, dismiss such action or direct the Comptroller of the Currency to remove the receiver.”.

(b) INSURED DEPOSITORY INSTITUTIONS.—Section 11(c)(7) of the Federal Deposit Insurance Act (12 U.S.C. 1831c(c)(7)) is amended to read as follows:

“(7) JUDICIAL REVIEW.—If the Corporation is appointed (including the appointment of the Corporation as receiver by the Board of Directors) as conservator or receiver of a depository institution under paragraph (4), (9), or (10), the depository institution may, within 20 days thereafter, bring an action in the United States district court for the judicial district in which the home office of such depository institution is located, in the United States District Court for the District of Columbia, for an order requiring the Corporation to be removed as the conservator or receiver, and the court shall, upon the merits, dismiss such action or direct the Corporation to be removed as the conservator or receiver.

(c) EXPANSION OF PERIOD FOR CHALLENGING THE APPOINTMENT OF A LIQUIDATING AGENT.—Subparagraph (B) of section 207(a)(1) of the Federal Credit Union Act (12 U.S.C. 1787(a)(1)) is amended by striking “30 days” and inserting “30 days”.

(d) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall apply with respect to receivers, or liquidating agents appointed on or after the date of enactment of this Act.

SEC. 403. REPORTING REQUIREMENTS RELATING TO INSIDER LENDING.

(a) REPORTING REQUIREMENTS REGARDING LOANS TO EXECUTIVE OFFICERS OF MEMBER BANKS.—Section 223(g) of the Federal Reserve Act (12 U.S.C. 375e) is amended—

(1) by striking paragraphs (6) and (9); and

(2) by redesignating subparagraphs (7), (8), and (10) as paragraphs (6), (7), and (8), respectively.

(b) REPORTING REQUIREMENTS REGARDING LOANS FROM CORRESPONDENT BANKS TO EXECUTIVE OFFICERS AND SHAREHOLDERS OF INSURED BANKS.—Section 223(g)(2) of the Federal Reserve Act (12 U.S.C. 375e) is amended—

(1) by striking subparagraph (G); and

(2) by redesignating subparagraphs (H) and (I) as subparagraphs (G) and (H), respectively.

SEC. 404. AMENDMENT TO PROVIDE AN INFLATION ADJUSTMENT FOR THE SMALL DEPOSITORY INSTITUTION REGULATION EXEMPTION UNDER THE DEPOSITORY INSTITUTION MANAGEMENT INTERLOCK ACT.

Section 203(1) of the Depository Institution Management Interlocks Act (12 U.S.C. 3202(1)) is amended by striking “$20,000,000” and inserting “$20,000,000,000”.

SEC. 405. ENHANCING THE SAFETY AND SOUNDBNESS OF INSURED DEPOSITORY INSTITUTIONS.

(a) CLARIFICATION RELATING TO THE ENFORCEABILITY OF AGREEMENTS AND CONDITIONS.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following new section:

(4) ENFORCEMENT OF AGREEMENTS.

“(a) IN GENERAL.—Notwithstanding clause (i) or (ii) of section 8(b)(6)(A) or section 38(c)(2)(B) of the Federal Banking agency may enforce, under section 8, the terms of—

(1) any condition imposed in writing by the agency on a depository institution or an institution-affiliated party (including a bank holding company) in connection with any action on any application or other request concerning a depository institution; or

(2) any written agreement entered into between the agency and an institution-affiliated party (including a bank holding company).

(b) RECEIVERSHIPS AND CONSERVATORSHIPS.—After the appointment of the Corporation as the receiver or conservator for any insured depository institution, the Corporation may enforce any condition or agreement described in paragraph (1) or (2) of subsection (a) involving such institution or any institution-affiliated party (including a bank holding company), through an action brought in an appropriate United States district court.

SEC. 406. INVESTMENTS BY INSURED SAVINGS ASSOCIATIONS IN BANK SERVICE COMPANIES.

(a) IN GENERAL.—Sections 2 and 3 of the Bank Service Company Act (12 U.S.C. 1862, 1863) are amended by striking “insured bank” each place such term appears and inserting “insured depository institution”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 1(b)(4) of the Bank Service Company Act (12 U.S.C. 1861(b)(4)) is amended—

(A) by inserting “; except when such term appears in connection with the term ‘insured depository institution’, after ‘means’;” and

(B) by striking “Federal Home Loan Bank” and inserting “Director of the Office of Thrift Supervision”.

(2) Section 1(b) of the Bank Service Company Act (12 U.S.C. 1861(b)) is amended—

(A) by striking paragraph (5) and inserting the following new paragraph:

“(5) INSURED DEPOSITORY INSTITUTION.—The term ‘insured depository institution’ has the meaning given the term in section 3(c) of the Federal Deposit Insurance Act.”;

(B) by striking “and” at the end of paragraph (7);

(C) by striking the period at the end of paragraph (8) and inserting “; and”; and

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

“(9) the terms ‘State depository institution’, ‘federal savings and loan association’, ‘federal savings association’ and ‘federal savings and association’ have the meanings given the terms in section 3 of the Federal Deposit Insurance Act.”.

(3) The 1st sentence of section 5(c)(4)(B) of the Home Owners’ Loan Act (12 U.S.C. 1864(c)(4)(B)) is amended by striking “by savings associations of such State and by Federal associations” and inserting “by State and Federal depository institutions”.

(4) Subparagraph (A)(ii) and subparagraph (B) of section 11(b) of the Bank Service Company Act (12 U.S.C. 1861(b)(2)) are each amended by striking “insured banks” and inserting “insured depository institutions”.

(5) Section 1(b)(8) of the Bank Service Company Act (12 U.S.C. 1861(b)(8)) is further amended—

(A) by striking “insured bank” and inserting “insured depository institution”;

(B) by striking “insured banks” each place such term appears and inserting “insured depository institutions”;

and

(C) by striking “the bank’s” and inserting “the depository institution’s”.

(6) Section 2 of the Bank Service Company Act (12 U.S.C. 1862) is amended by inserting “or savings associations” in clause (i) after “State bank” each place such term appears.

(7) Section 4(c) of the Bank Service Company Act (12 U.S.C. 1864(c)) is amended by inserting “or Savings associations” in clause (iv) after “State bank” each place such term appears.

(8) Section 4(d) of the Bank Service Company Act (12 U.S.C. 1864(d)) is amended by inserting “or Savings associations” in clause (iv) after “national bank” each place such term appears.

(9) Section 4(e) of the Bank Service Company Act (12 U.S.C. 1864(e)) is amended to read as follows:

“(e) A bank service company may perform—

(1) only those services that each depository institution shareholder or member is otherwise authorized to perform under any applicable Federal or State law; and

(2) such services only at locations in a State in which each such shareholder or member is otherwise authorized to perform such services.”.

(10) Section 4(f) of the Bank Service Company Act (12 U.S.C. 1864(f)) is amended by inserting “or savings associations” after “location of banks”.

SEC. 407. GOLDEN PARACHUTE AUTHORITY AND NONBANK HOLDING COMPANIES.

(a) GOLDEN PARACHUTE AUTHORITY.—Section 7 of the Bank Service Company Act (12 U.S.C. 1867) is amended—

(A) in subsection (b), by striking “insured bank” and inserting “insured depository institution”;

(ii) by striking “authorized only” after “performs any service”; and

(iii) by inserting “authorized only” after “performs any activity”;

and

(C) in subsection (c)—

(i) by striking “the bank or banks” and inserting “any depository institution”; and

(ii) by striking “capability of the bank” and inserting “capability of the depository institution”.

(b) CROSS GUARANTEE AUTHORITY.—Subsection (A) of section 5(c)(9) of the Federal Deposit Insurance Act (12 U.S.C. 1815(e)(9)(A)) is amended to read as follows:

“(A) such institutions are controlled by the same company; or

SEC. 408. NONBANK HOLDING COMPANIES.

(a) NONBANK HOLDING COMPANIES.—Subsection (b) of section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1860(b)) is amended—

(1) in paragraph (2)(A), by striking “or depository institution holding company” and inserting “or covered company”;

(2) by striking subparagraph (B) of paragraph (2) and inserting the following new subparagraph:

“(B) Whether there is a reasonable basis to believe that the institution-affiliated party is substantially responsible for—

(i) the appointment of a conservator or receiver for the depository institution; or

(ii) the depository institution being placed in liquidation on the amount of investment by a Federal savings association contained in section 5(c)(4)(B) of the Home Owners’ Loan Act” after relating to banks;
(3) in paragraph (2)(F), by striking “depository institution holding company” and inserting “covered company”;

(4) in paragraph (3) in the matter preceding subparagraph (A) by striking “depository institution holding company” and inserting “covered company”;

(5) in paragraph (3)(A), by striking “holding company (including any company described or referred to in subparagraph (A) and in paragraph (4))”;

(6) in paragraph (4)(A)—

(A) by striking “depository institution holding company” each place such term appears and inserting “covered company”;

(B) by striking “holding company” each place such term appears (other than in connection with the term referred to in subparagraph (A) and in paragraph (4));

(7) in paragraph (5)(A), by striking “depository institution holding company” and inserting “covered company”;

(8) in paragraph (5), by adding at the end the following new subparagraph:

“(D) COVERED COMPANY.—The term ‘covered company’ means any depository institution holding company (including any company required to file a report under section 4(f)(6) of the Bank Holding Company Act of 1980), or any other company that controls an insured depository institution; and

(9) in paragraph (6)—

(A) by striking “depository institution holding company” and inserting “covered company”;

(B) by striking “holding company” and inserting “covered company”.

SEC. 409. AMENDMENTS RELATING TO CHANGE IN BANK CONTROL.

Section 7(i) of the Federal Deposit Insurance Act (12 U.S.C. 1871(i)) is amended—

(1) in paragraph (1) by striking “is needed to investigate” and inserting “is needed—

“(i) to investigate;

“(ii) by striking ‘United States Code’ and inserting ‘United States Code’; or”;

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

“(ii) to analyze the safety and soundness of any plans or proposals described in paragraph (6)(E) or the future prospects of the institution; and

(3) in paragraph (7)(C), by striking the “financial condition of any acquiring person” and inserting “the financial condition of any acquiring person or the future prospects of the institution”.

SEC. 410. COMMUNITY REINVESTMENT CREDIT FOR ESOPS AND EWOCs.

Section 804 of the Community Reinvestment Act of 1977 (12 U.S.C. 2903) is amended by adding at the end the following new subsection—

“(d) ESTABLISHMENT OF ESOPs AND EWOCs.—

“(1) IN GENERAL.—In assessing and taking into account, under subsection (a), the record of a financial institution, the appropriate Federal financial supervisory agency shall consider as a factor activities that support or enable the establishment of employee stock ownership plans or eligible worker-owned cooperatives, so long as the employer sponsoring the plan or cooperative is at least 51 percent owned by employees, including low to moderate income employees.

“(2) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

“(A) EMPLOYEE STOCK OWNERSHIP PLAN.—The term ‘employee stock ownership plan’ has the same meaning as in section 497(f)(1) of the Internal Revenue Code of 1986.

“(B) ELIGIBLE WORKER-OWNED COOPERATIVE.—The term ‘worker-owned cooperative’ has the same meaning as in section 1024(c)(3) of the Internal Revenue Code of 1986.”

SEC. 411. MINORITY FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—The Federal Deposit Insurance Corporation and the Office of Thrift Supervision shall provide such technical assistance to minority financial institutions affected by Hurricane Katrina, Hurricane Rita, and Hurricane Wilma as may be appropriate to preserve the present number of minority depository institutions and prevent a net market exit in such cases involving mergers or acquisitions of a minority depository institution consistent with section 308(a) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

TITLE V—DEPOSITORY INSTITUTION AFFILIATES PROVISIONS

SEC. 501. CLARIFICATION OF CROSS MARKETING PROVISION.

Section 4(n)(5) of the Bank Holding Company Act of 1980 (12 U.S.C. 1464(n)(5)) is amended—

(1) in subparagraph (B), by striking “subparagraph (k)(4)(A)” and inserting “subparagraph (H) or (I) of subsection (k)(4)”;

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

“(C) CONTROLLED COMPANY.—Subparagraph (A) shall not apply with respect to a company described or referred to in clause (i) or (ii) of subparagraph (B) if such subparagraph or holding company does not own or control 25 percent or more of the total equity or any class of voting securities of such company.”

SEC. 502. AMENDMENTS TO PROVIDE THE FEDERAL RESERVE BOARD WITH DISCRETION CONCERNING THE IMPUTATION OF OWNERSHIP OF SHARES OF A COMPANY BY TRUSTEES.

Section 2(g)(2) of the Bank Holding Company Act of 1980 (12 U.S.C. 1841(g)(2)) is amended by inserting “a consumer” after “the Board determines that such treatment is not appropriate in light of the facts and circumstances of the case and the purpose of this Act” before the period at the end.

SEC. 503. ELIMINATION OF GEOGRAPHIC LIMITS ON THRIFT SERVICE COMPANIES.

(a) IN GENERAL.—The 1st sentence of section 5(c)(4)(B) of the Home Owners’ Loan Act (12 U.S.C. 1464(c)(4)(B)) (as amended by section 406(b)(3)(A) of this Act) is amended—

(1) by striking “corporation organized” and all that follows through “is available for pur-

“purposes of section 5(c)(4)(B) of the Home Owners’ Loan Act (12 U.S.C. 1464(c)(4)(B)) (as amended by section 406(b)(3)(A) of this Act) is amended—

(1) by striking “corporation organized” and all that follows through “is available for pur-

“purposes of section 5(c)(4)(B) of the Home Owners’ Loan Act (12 U.S.C. 1464(c)(4)(B)) (as amended by section 406(b)(3)(A) of this Act) is amended—

(1) by striking “corporation organized” and all that follows through “is available for pur-

“(2) by adding the following new subparagraph:

“(ii) to analyze the safety and soundness of any plans or proposals described in paragraph (6)(E) or the future prospects of the institution; and

“(3) in paragraphs (3) and (5), by striking “or (6)” each place such term appears in each such paragraph; and

“(4) by striking paragraph (6).

(b) TECHNICAL CORRECTIONS.—

(i) Section 53(c)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1851(c)(1)) is amended by striking “corporations” and inserting “companies”; and

(ii) The heading for subparagraph (B) of section 53(c)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1851(c)(1)) is amended by striking “corporations” and inserting “companies”.

(c) Section 5(c)(1) of the Home Owners’ Loan Act (12 U.S.C. 1464(c)(1)) is amended by striking “service companies” and inserting “service companies”.

(d) Section 10(m)(4) of the Home Owners’ Loan Act (12 U.S.C. 1464(m)(4)(C)(ii)(II)) is amended by striking “service corporations” each place such term appears and inserting “service companies”.

(e) Section 4(h)(11) of the Federal Deposit Insurance Act (12 U.S.C. 1831h(11)) is amended by striking “service companies” and inserting “service companies”. (f) Section 10(d) of the Federal Deposit Insurance Act (12 U.S.C. 1818(d)) is amended—

(1) in paragraph (1), by striking “engages only in credit card operations;” and inserting “engages only in—

“(II) making investments designed primarily to promote the public welfare, including the welfare of low- and moderate-income commu-

(2) in paragraph (2), by inserting “Thrift Supervision” after “the Office of Thrift Supervision” and the

“PUBLIC WELFARE.

Section 2(c)(2)(F) of the Bank Holding Company Act of 1980 (12 U.S.C. 1464(c)(2)(F)) is amended by—

(1) in clause (1), by striking “engages only in credit card operations;” and inserting “engages only in—

“(II) making investments designed primarily to promote the public welfare, including the welfare of low- and moderate-income commu-

(2) in paragraph (2), by striking “Thrift Supervision” after “the Office of Thrift Supervision” and the

“PUBLIC WELFARE.

SEC. 506. CREDIT CARD BANK INVESTMENTS FOR THE PUBLIC WELFARE.

Title VI—Bank Holding Company Act of 1956 (12 U.S.C. 1461(c)(2)(F)) is amended by—

(1) in clause (1), by striking “engages only in credit card operations;” and inserting “engages only in—

“(II) making investments designed primarily to promote the public welfare, including the welfare of low- and moderate-income commu-

(2) in paragraph (2), by striking “Thrift Supervision” after “the Office of Thrift Supervision” and the

“PUBLIC WELFARE.

Section 2(c)(2)(F) of the Bank Holding Company Act of 1980 (12 U.S.C. 1464(c)(2)(F)) is amended by—

(1) in clause (1), by striking “engages only in credit card operations;” and inserting “engages only in—

“(II) making investments designed primarily to promote the public welfare, including the welfare of low- and moderate-income commu-

(2) in paragraph (2), by striking “Thrift Supervision” after “the Office of Thrift Supervision” and the

“PUBLIC WELFARE.

SEC. 507. WAIVER OF EXAMINATION SCHEDULE IN OTHER THAN ALLOCATE EXAMINER RESOURCES.

Section 10(d)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1820(d)(1)) is amended—

(1) in paragraphs (5), (6), (7), (8), (9), and (10) as paragraphs (6), (7), (8), (9), (10), and (11), respectively;
(2) by inserting after paragraph (4), the following new paragraph:

“(5) WAIVER OF SCHEDULE WHEN NECESSARY TO ACHIEVE SAFE AND SOUND ALLOCATION OF EXAMINATION RESOURCES.—In subparagraphs (A), (2), (3), and (4), an appropriate Federal banking agency may make adjustments in the examination cycle for an insured depository institution to allocate available examination resources of examiners in a manner that provides for the safety and soundness of, and the effective examination and supervision of, insured depository institutions.”;

(3) in paragraphs (8) and (9), as so redesignated, by striking “paragraph (6)” and inserting “paragraph (7)”;

SEC. 602. INTERAGENCY DATA SHARING.

(a) FEDERAL BANKING AGENCIES.—Section 7(a)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)(2)) is amended by adding at the end the following new paragraph:

“(C) DATA SHARING WITH OTHER AGENCIES AND PERSONS.—In addition to reports of examination, reports of condition, and other reports required to be regularly provided to the Corporation (with respect to all insured depository institutions, including a depository institution for which there has been an appointment of conservator or receiver) or an appropriate State bank supervisor (with respect to a State depository institution) under subparagraph (A) or (B), a Federal banking agency may, in the agency’s discretion, furnish any report of examination or other confidential supervisory information concerning any depository institution or other entity authorized by the agency under authority of any Federal law, to—

“(i) any other Federal or State agency or authority with supervisory or regulatory authority over the depository institution or other entity;

“(ii) any officer, director, or receiver of such depository institution or entity; and

“(iii) any other person the Federal banking agency determines appropriate.”;

(b) NATIONAL CREDIT UNION ADMINISTRATION.—Section 202(a) of the Federal Credit Union Act (12 U.S.C. 1762a(a)) is amended by adding at the end the following new paragraph:

“(D) DATA SHARING WITH OTHER AGENCIES AND PERSONS.—In addition to reports of examination, reports of condition, and other reports required to be regularly provided to the Board (with respect to all insured credit unions, including a credit union for which there has been an appointment of a conservator or receiver) or an appropriate State credit union supervisor (with respect to a State credit union) under subparagraph (A) or (B), a Federal banking agency may, in the agency’s discretion, furnish any report of examination or other confidential supervisory information concerning any credit union or other entity examined by the Board under authority of any Federal law, to—

“(A) any other Federal or State agency or authority with supervisory or regulatory authority over the credit union or other entity;

“(B) any officer, director, or receiver of such credit union or entity; and

“(C) any other institution-affiliated party of such credit union or entity the Board determines to be appropriate.”;

SEC. 603. PENALTY FOR UNAUTHORIZED PARTICIPATION BY CONVICTED INDIVIDUAL.

Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1829) is amended by adding at the end the following new subsection:

“(c) NONINSURED BANKS.—Subsections (a) and (b) shall apply to a noninsured national bank and a noninsured State member bank, and any agency or noninsured branch (as such terms are defined in section 1(b) of the International Banking Act of 1993) if such bank, branch, or agency were an insured depository institution, except such subsections shall be applied for purposes of this subsection by substituting the term ‘agency’ for ‘institution’ in the following paragraphs for ‘Corporation’ each place such term appears in such subsections:

“(A) The Comptroller of the Currency, in the case of a noninsured national bank or any Federal agency or noninsured Federal branch of a foreign bank.

“(B) The Board of Governors of the Federal Reserve System, in the case of a noninsured State member bank or any State agency or noninsured State branch of a foreign bank.

SEC. 604. AMENDMENT PERMITTING THE DESTRUCTION OF OLD RECORDS OF A DEPOSITORY INSTITUTION BY THE FEDERAL DEPOSIT INSURANCE CORPORATION AFTER APPOINTMENT OF THE FDIC AS RECEIVER.

Section 11(d)(15)(D) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)(15)(D)) is amended—

(1) by striking “RECORDKEEPING REQUIREMENT.—After the end of the 6-year period” and inserting “RECORDKEEPING REQUIREMENT.—After the end of the 6-month period;”;

(2) by inserting “(ii) in general.—The FDIC, after notice and opportunity for comment, may destroy such records in accordance with clause (i) any time after such appointment is final without regard to the 6-month period of limitation contained in such clause.”;

SEC. 605. MODERNIZATION OF RECORDKEEPING REQUIREMENTS.

Subsection (f) of section 10 of the Federal Deposit Insurance Act (12 U.S.C. 1820(f)(f)) is amended to read as follows:

“(f) PRESERVATION OF RECORDS.—

“(1) IN GENERAL.—A Federal banking agency may cause any and all records, papers, or documents kept by the agency or in the possession or custody of the agency to be—

“(A) photographed or microphotographed or otherwise reproduced upon film; or

“(B) preserved in any electronic medium or format which is—

“(i) being read or scanned by computer; and

“(ii) being reproduced from such electronic medium or format by printing or any other form of reproduction of any electronically stored data.

“(2) TREATMENT AS ORIGINAL RECORDS.—Any photographs, microphotographs, or photographic film or copies thereof described in paragraph (1)(A) or electronically stored data described in paragraph (1)(B) shall be deemed to be an original record for all purposes, including introduction in evidence in all State and Federal courts or administrative agencies and shall be admissible to prove any act, transaction, occurrence, or event therein recorded.

“(3) AUTHORITY OF THE FEDERAL BANKING AGENCIES.—Any photographs, microphotographs, or photographic film or copies thereof described in paragraph (1)(A) or reproduction of electronically stored data described in paragraph (1)(B) shall be preserved in such manner as the Federal banking agency shall prescribe and the original records, papers, or documents may be destroyed or otherwise disposed of as the Federal banking agency may direct.”;

SEC. 606. STREAMLINING REPORTS OF CONDITION.

Section 7(d) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)) is amended by adding the following new paragraph:

“(13) STREAMLINING REPORTS OF CONDITION,電子化 REPORTS, AND SUPPORTING SCHEDULES.—Before the date of the end of the 1-year period beginning on the date of the enactment of the Financial Services Regulatory Reform Act of 2005 and before the end of each 5-year period thereafter, each Federal banking agency shall, in consultation with the other relevant Federal banking agencies, review the information and schedules that are required to be filed by an insured depository institution in a report of condition required under paragraph (3).

SEC. 607. EXPANSION OF ELIGIBILITY FOR 18-MONTH EXAMINATION SCHEDULE FOR COMMUNITY BANKS.

Paragraph (4)(A) of section 10(d) of the Federal Deposit Insurance Act (12 U.S.C. 1820(d)) is amended by striking “$250,000,000” and inserting “$1,000,000,000.”;

SEC. 608. SHORT FORM REPORTS OF CONDITION FOR CERTAIN COMMUNITY BANKS.

(a) IN GENERAL.—Section 7(a) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)) is amended—

(1) by striking “short form when used in connection with any report of condition required under paragraph (3),”;

(2) by adding a short form for condition of community banks, in a format established by the appropriate Federal banking agency, after notice and opportunity for comment, that—

“(i) is significantly and materially less burdensome for the insured depository institution to prepare than the format of the report of condition required under paragraph (3); and

“(ii) provides sufficient material information for the appropriate Federal banking agency to assure the maintenance of the safe and sound condition of the depository institution and safe and sound practices.

(b) REGULATIONS.—Any regulation required to carry out the amendment made by subsection (a) shall be published in final form before the end of the 6-month period beginning on the date of the enactment of this Act.

SEC. 609. CLARIFICATION OF EXTENT OF SUSPENSION, REMOVAL, AND PROHIBITION AUTHORITY OF FEDERAL BANKING AGENCIES IN CASES OF CERTAIN CRIMES BY INSTITUTION-AFFILIATED PARTIES.

(a) INSURED DEPOSITORY INSTITUTIONS.—

(1) IN GENERAL.—Section 8(g)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1818(g)(1)) is amended—

(A) in subparagraph (A) by striking “is the subject of any information, indictment, or complaint, involving the commission of or participation in”;

(B) by striking “may pose a threat to the interests of the depository institution’s depositors or may threaten to impair public confidence in the depository institution,” and insert “poised, may pose a threat to the interests of the depositors of, or threatened, threatens, or may threaten to impair public confidence in,
any relevant depository institution (as defined in subparagraph (E)), and

(iii) by striking “affairs of the depository institution” and inserting “affairs of any depository institution”;

(B) in subparagraph (B)(i), by striking “the depository institution” and inserting “any depository institution that the subject of the notice is affiliated with at the time the notice is issued”; and

(C) in subparagraph (C)(ii), by inserting “may threaten to impair public confidence in the depository institution, and” after “which the subject of the order is, or most recently was, an institution-affiliated party”.

(ii) by striking “affairs of the depository institution” and inserting “affairs of any depository institution”; and

(D) in subparagraph (C)(ii), by striking “the depository institution” and inserting “any depository institution that the subject of the order is affiliated with at the time the order is issued and”.

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

(E) RELEVANT DEPOSITORY INSTITUTION.—For purposes of this subsection, the term ‘relevant depository institution’ means any depository institution of which the party is or was an institution-affiliated party at the time

(i) the information, indictment or complaint described in subparagraph (A) was issued; or

(ii) the notice is issued under subparagraph (A) on or before the date on which the order was considered or issued by the Board.

(2) CLERICAL AMENDMENT.—Section 206(i) of the Federal Credit Union Act (12 U.S.C. 1786(i)) is amended by striking “(ii)” at the beginning and inserting the following new subsection:

(i) SUSPENSION, REMOVAL, AND PROHIBITION FROM PARTICIPATION ORDERS IN THE CASE OF CERTAIN CRIMINAL OFFENSES.

SEC. 610. STREAMLINING DEPOSITORY INSTITUTION MERGER APPLICATION REQUIREMENTS.

(a) In General.—Paragraph (4) of section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)) is amended to read as follows:

(b) Technical and Conforming Amendment.—Subsections (a) and (b) shall apply to any institution (other than a foreign bank) that is a bank holding company and any organization and any financial holding company and any savings and loan holding company and any savings and loan association as if such bank holding company or foreign bank, organization, financial holding company, or savings and loan association were a bank holding company or foreign bank, respectively, and any institution-affiliated party of such company or association is an institution-affiliated party of such bank holding company or foreign bank.

(c) SAVINGS PROVISION.—No provision of this section shall be construed to include any savings and loan association or other similar arrangement between the Federal banking agency and the foreign regulatory or supervisory authority.

(2) Treatment Under Title 5, United States Code.—For purposes of section 532 of title 5, Bank Holding Companies—Subsection (a) and (b) shall apply to any company (other than a foreign bank) that is a bank holding company and any organization and any financial holding company and any savings and loan holding company and any savings and loan association as if such bank holding company or foreign bank, organization, financial holding company, or savings and loan association were a bank holding company or foreign bank, respectively, and any institution-affiliated party of such company or association is an institution-affiliated party of such bank holding company or foreign bank.

SEC. 613. PROHIBITION ON PARTICIPATION BY CONVICTED INDIVIDUAL.

(a) Extension of Automatic Prohibition.—Section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)) is amended by striking at the beginning of this section and inserting the following:

(b) Technical and Conforming Amendment.—Section 18(c)(6) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)(6)) is amended—

(c) SAVINGS PROVISION.—No provision of this section shall be construed to include any savings and loan association or other similar arrangement between the Federal banking agency and the foreign regulatory or supervisory authority.
SEC. 614. CLARIFICATION THAT NOTICE AFTER SEPARATION FROM SERVICE MAY BE MADE BY AN ORDER.

(a) In GENERAL.—Section 8(i)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1818(i)(3)) is amended by inserting “or order” after “notice” each place such term appears.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The heading for section 8(i)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1818(i)(3)) is amended by inserting “or Order” after “Notice”.

SEC. 615. ENFORCEMENT AGAINST MISREPRESENTATIONS REGARDING FDIC DEPOSIT INSURANCE COVERAGE.

(a) In GENERAL.—Section 18(a) of the Federal Deposit Insurance Act (12 U.S.C. 1828(a)) is amended by adding at the end the following new paragraph:

“(4) FALSE ADVERTISING, MISUSE OF FDIC NAMES, AND MISREPRESENTATION TO INDICATE INSURED STATUS.—

“(I) PROHIBITION ON FALSE ADVERTISING AND MISUSE OF FDIC NAMES.—No person may—

“(ii) use such terms or any other sign or symbol as part of an advertisement, solicitation, or other document to represent, suggest or imply that any deposit liability, obligation, certificate or share is insured or guaranteed by the Federal Deposit Insurance Corporation, if such deposit liability, obligation, certificate, or share is not insured or guaranteed by the Corporation.

“(II) PROHIBITION ON MISREPRESENTATIONS OF INSURED STATUS.—No person may knowingly misrepresent—

“(i) that any deposit liability, obligation, certificate, or share is federally insured, if such deposit liability, obligation, certificate, or share is not insured by the Corporation; or

“(ii) the extent to which or the manner in which any deposit liability, obligation, certificate, or share is insured by the Federal Deposit Insurance Corporation, if such deposit liability, obligation, certificate, or share is not insured by the Corporation to the extent or in the manner represented.

“(B) AUTHORITY OF FDIC.—The Corporation shall have—

“(I) jurisdiction over any person that violates this paragraph; and

“(II) for purposes of enforcing the requirements of this paragraph with regard to any person—

“(i) the authority of the Corporation under section 10(c) to conduct investigations; and

“(ii) the enforcement authority of the Corporation under subsections (b), (c), and (d) and (i) of section 8, as if such person were a state nonmember insured bank.

(b) OTHER PROCTIONS RESERVED.—No provision of this paragraph shall be construed as barb

ring any action otherwise available, under the laws of the United States or any State, to any Federal or State law enforcement agency or individual.

SEC. 616. CHANGES REQUIRED TO SMALL BANK HOLDING COMPANY POLICY STATEMENT ON ASSESSMENT OF FINANCIAL AND MANAGERIAL FACTORS.

(a) SMALL BANK HOLDING COMPANY POLICY STATEMENT ON ASSESSMENT OF FINANCIAL AND MANAGERIAL FACTORS.—

(1) In GENERAL.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Board of Governors of the Federal Reserve System shall publish in the Federal Register proposed revisions to the Small Bank Holding Company Policy Statement on Assessment of Financial and Managerial Factors (12 C.F.R. part 225) that provide that the policy shall apply to a bank holding company which has pro forma consolidated assets of less than $1,000,000,000 and that—

(A) is not engaging in nonbanking activities involving significant leverage; and

(B) does not have a significant amount of outstanding debt that is held by the general public.

(2) ADJUSTMENT OF AMOUNT.—The Board of Governors of the Federal Reserve System shall annually adjust the dollar amount referred to in paragraph (1) in the Small Bank Holding Company Policy Statement on Assessment of Financial and Managerial Factors by an amount equal to the percentage increase, for the most recent year, in the total assets held by all insured depository institutions, as determined by the Board.

(b) INCREASE IN DEBT-TO-EQUITY RATIO OF SMALL BANK HOLDING COMPANIES.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Board of Governors of the Federal Reserve System shall publish in the Federal Register proposed revisions to the Small Bank Holding Company Policy Statement on Assessment of Financial and Managerial Factors (12 C.F.R. part 225) that provide that the policy shall apply to a bank holding company which has pro forma consolidated assets of less than $1,000,000,000 and that—

(1) the extent to which or the manner in which any deposit liability, obligation, certificate, or share is insured or guaranteed by the Federal Deposit Insurance Corporation, if such deposit liability, obligation, certificate, or share is not insured by the Corporation; or

(2) the financial institution is licensed by a State and is subject to existing regulation of consumer confidentiality that prohibits disclosure of nonpublic personal information without knowing and expressed consent of the consumer in the form of laws, rules, or regulation of professional conduct or ethics promulgated by either the court of highest appellate authority or by the principal legislative body or regulatory agency or body of any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, or the Northern Mariana Islands.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 18(a)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1828(a)(3)) is amended—

(A) in the 1st sentence, by striking “of this subsection” and inserting “of paragraphs (1) and (2)”; and

(B) by striking the 2nd sentence; and

(2) in the 3rd sentence, by striking “of this subsection” and inserting “of paragraphs (1) and (2)”.5

The heading for subsection (a) of section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828(a)) is amended by striking “INSURANCE LOGO.” and inserting “REPRESENTATIONS OF THE CORPORATION.”

SEC. 617. EXCEPTION TO ANNUAL PRIVACY NOTICE REQUIREMENT UNDER THE Gramm-Leach-Bliley Act.

Section 503 of the Gramm-Leach-Bliley Act (15 U.S.C. 6803) is amended by adding the following new subsections:

(a) EXCEPTION TO ANNUAL NOTICE REQUIREMENT.—A financial institution shall not comply with the annual notice requirement under subsection (b)(2) or (e) of section 502 if the institution determines that—

(1) the financial institution is licensed by a State and is subject to existing regulation of consumer confidentiality that prohibits disclosure of nonpublic personal information without knowing and expressed consent of the consumer in the form of laws, rules, or regulation of professional conduct or ethics promulgated by either the court of highest appellate authority or by the principal legislative body or regulatory agency or body of any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, or the Northern Mariana Islands.

(b) FACTORS TO BE INCLUDED.—The report shall include a detailed assessment of each of the following:

(1) The extent of hiring of minority individuals and women by the agency as of the time the report is prepared.

(2) The success achieved and challenges faced by the agency in operating minority and women outreach programs.

(3) Challenges the agency may face in finding qualified minority and women applicants.

(4) Such other information, findings, and conclusions, and recommendations for legislative or agency action, as the agency may determine to be appropriate to include in the report.

(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) FEDERAL BANKING AGENCY.—The term “Federal banking agency” means—

(II) the Federal Home Loan Bank System, the Federal Home Loan Banks, the Farm Credit System, the Federal Housing Enterprise Reform Commission, the Federal Home Loan Mortgage Corporation (Freddie Mac), the Federal National Mortgage Association (Fannie Mae), the Federal Home Loan Bank of Chicago, the Federal Home Loan Bank of Dallas, the Federal Home Loan Bank of Minneapolis, the Federal Home Loan Bank of Seattle, the Federal Home Loan Bank of San Francisco, the Federal Home Loan Bank of Boston, the Federal Home Loan Bank of New York, the Federal Home Loan Bank of Atlanta, and the Federal Home Loan Bank of Topeka.

(2) FEDERAL DEPOSIT INSURANCE CORPORATION.—The term “Federal Deposit Insurance Corporation” means—

(II) the Federal Reserve Banks, the Federal Reserve System, and the Federal Reserve Board of Governors.

(3) MINORITY.—The term “minority” means an individual who is—

(A) an African American; or

(B) a member of any other racial or ethnic group that is determined by any criteria described in paragraph (1), (2), or (3).

(4) WOMAN.—The term “woman” means an individual who is—

(A) female; or

(B) any other individual who identifies as a woman or who the agency determines to be consistent with the agency’s policy on enforcing the equal employment rights of women.
a branch of an out-of-State State insured bank is violating any law of the host State that is applicable to such branch pursuant to section 24(j) of this Act, including a law that governs commerce, banking, consumer protection, the State bank supervisor of the host State or, to the extent authorized by the host State law, a host State law enforcement officer, to the State bank supervisor of the bank's home State and subject to the terms of any applicable cooperative agreement with the State bank supervisor of the bank's home State, undertake such enforcement actions and proceedings as would be permitted under the law of the host State as if the branch were a bank chartered by that host State.

(4) COOPERATIVE AGREEMENT.—

(A) IN GENERAL.—The State bank supervisors from 2 or more States may enter into cooperative agreements to facilitate State regulatory supervision of State banks, including corporate agreements relating to the coordination of examinations and joint participation in examinations. For purposes of this subsection (h), the term ‘cooperative agreement’ means a written agreement that is signed by the home State bank supervisor and the State bank supervisor of the relevant host State.

(5) FEDERAL REGULATORY AUTHORITY.—No provision of this subsection shall be construed as limiting in any way the authority of the Federal Deposit Insurance Corporation, the Federal Reserve Board, the Office of the Comptroller of the Currency, or the Securities and Exchange Commission, to enforce Federal laws that are applicable to an insured State bank located in the host State pursuant to section 24(j) of this Act.

(6) STATE TAXATION AUTHORITY NOT AFFECTED.—No provision of this subsection shall be construed as affecting the authority of any State or political subdivision of any State to adopt, apply, or administer any tax or method of taxation to any bank, bank holding company, or foreign bank, or any affiliate of any bank, bank holding company, or foreign bank, to the extent such tax or tax method is otherwise permissible by or under the Constitution of the United States or a State.

(7) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(A) HOST STATE, HOME STATE, OUT-OF-STATE BANK.—The terms ‘host State’, ‘home State’, and ‘out-of-State bank’ have the same meanings as in section 44(g).

(B) STATE SUPERVISORY FEES.—The term ‘State supervisory fees’ means assessments, examination fees, branch fees, license fees, and all other fees that are levied or charged by a State bank supervisor directly upon an insured State bank or upon branches of an insured State bank.

(C) TROUBLED CONDITION.— Solely for purposes of subparagraph (2)(B) of this subsection (h), an insured bank is deemed to be in ‘troubled condition’ if the bank—

(i) has a composite rating, as determined in its most recent examination, of 4 or 5 under the Uniform Financial Institutions Ratings System (UFRS); or

(ii) is subject to a proceeding initiated by the Corporation for supervision or suspension of depository insurance; or

(iii) is subject to a proceeding initiated by the State bank supervisor of the bank’s home State to liquidate the charter of the bank, or to liquidate the bank, or to appoint a receiver for the bank.

(3) HOST STATE ENFORCEMENT.—If the State bank supervisor of a host State determines that...

(4) FINAL DETERMINATION.—For the purposes of paragraph (2)(B), the term ‘final determination’ means the transmittal of a report of examination to the bank or transmittal of official notice of proceedings.

SEC. 620. NONWAIVER OF PRIVILEGES.

(a) INSURED DEPOSITORY INSTITUTIONS.—Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following new subsection:

(1) IN GENERAL.—The submission by any person of any information to any Federal banking agency, State bank supervisor, or foreign banking authority for any purpose in the course of any supervisory or regulatory process of such agency, supervisor, or authority shall not be construed as waiving, destroying, or otherwise affecting any privilege such person may claim with respect to such information under Federal or State law as to any person or entity other than such agency, supervisor, or authority.

(2) RULE OF CONSTRUCTION.—No provision of paragraph (1) may be construed as implying or establishing that—

(A) any person waives any privilege applicable to information that is submitted or transferred under any circumstance to which paragraph (1) does not apply; or

(B) any person would waive any privilege applicable to any information by submitting the information to any Federal banking agency, State bank supervisor, or foreign banking authority, but for this subsection.

(b) INSURED CREDIT UNIONS.—Section 265 of the Federal Credit Union Act (12 U.S.C. 1765) is amended by adding at the end the following new subsection:

(1) PRIVILEGES NOT AFFECTED BY DISCLOSURE TO INSURED CREDIT UNION.—The privilege of an insured credit union to examine information that is submitted or transferred under any circumstance to which paragraph (1) does not apply; or

(B) any person would waive any privilege applicable to any information by submitting the information to any insured credit union, State bank supervisor, or foreign banking authority, but for this subsection.

SEC. 621. RIGHT TO FINANCIAL PRIVACY ACT OF 1978 AMENDMENT.

Paragraph (1) of section 101 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401) is amended by inserting after subsection (f) the following new subparagraph (i) after “consumer finance institution”:

(i) any person waives any privilege applicable to any information that is submitted or transferred under any circumstance to which paragraph (1) does not apply; or

(B) any person would waive any privilege applicable to any information by submitting the information to any banking institution, State bank supervisor, or foreign banking authority, but for this subsection.

SEC. 622. DEPUTY DIRECTOR; SUCCESSION AUTHORITY FOR DIRECTOR OF THE OFFICE OF THRIFT SUPERVISION.

(a) ESTABLISHMENT OF POSITION OF DEPUTY DIRECTOR.—Section 3(c)(5) of the Home Owners’ Loan Act (12 U.S.C. 1462a(c)(5)) is amended to read as follows:

(5) DEPUTY DIRECTOR.—The Secretary of the Treasury shall appoint a Deputy Director and may appoint up to 3 additional Deputy Directors.

(b) FIRST DEPUTY DIRECTOR.—If the Secretary of the Treasury appoints more than 1 Deputy Director of the Office, the Secretary...
shall designate one such appointee as the First Deputy Director.

“(C) DUTIES.—Each Deputy Director appointed under this paragraph shall take an oath of office and perform such duties as the Director shall direct.

“(D) COMPENSATION AND BENEFITS.—The Director shall fix the compensation and benefits for each Deputy Director in accordance with this Act.”.

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

“(B) ACTING DIRECTOR.—In the event of a vacancy in the position of Director or during the absence or disability of the Director, the Deputy Director shall serve as Acting Director.

“(C) 3-YEAR REVIEW AND REPORT.—Before the end of the 3-year period beginning on the date of the enactment of this Act and any other provision of Federal law.

SEC. 623. LIMITATION ON SCOPE OF NEW AGENCY GUIDELINES.

(a) IN GENERAL.—The provisions of the multi-agency guidance Numbered 2003-1 issued by the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Director of the Office of Thrift Supervision that relate to minimum credit card payments and negative amortization

(1) shall only apply to new credit card accounts established by a creditor for a consumer after the date of the enactment of this Act under an open end credit plan, and

(2) shall not apply to any outstanding balance on any credit card account under an open end consumer credit plan as of such date of enactment.

(b) DEFINITIONS.—For purposes of this section,

(a) FINDINGS.—The Congress finds as follows:

(1) The completion of and filing of currency transaction reports under section 5313 of title 31, United States Code, poses a compliance burden on the financial industry.

(2) Due to the nature of the transactions or the persons and entities conducting such transactions, certain such reports as currently filed do not appear to be relevant to the detection, deterrence, or investigation of financial crimes, including money laundering and the financing of terrorism.

(3) However, the data contained in such reports can provide valuable context for the analysis of the appropriate conditions pursuant to subchapter II of chapter 53 of title 31, United States Code, as well as investigative data, which provides invaluable and indispensable information supporting efforts to combat money laundering and other financial crimes.

(4) An exemption from the reporting requirements for transactions that are of little or no value to ongoing efforts of law enforcement agencies, financial regulatory agencies, and the financial services industry to identify and detect, or deter financial crimes would serve to balance the burden placed on members of the financial services industry with the compelling need to produce and provide meaningful information to policy-makers, financial regulators, law enforcement, and intelligence agencies.

(5) The Secretary of the Treasury has by regulation, pursuant to section 5313(e) of title 31, United States Code, implemented a process by which institutions may seek exemptions from filing certain currency transaction reports based on appropriate circumstances; however, the existing exemption process has not adequately balanced the burden on the financial industry with the Government’s need for data to support its efforts in combating financial crime.

(6) The act of providing notice to the Secretary of the Treasury of designations of exemptions provides meaningful information to law enforcement agencies and enables law enforcement to obtain account information through appropriate legal process; the act of providing notice of designations of exemptions on circumstances of title 31, United States Code, whereby law enforcement can locate financial institutions with relevant records relating to a person of investigative interest, such as information requests made pursuant to regulations implementing section 514(a) of the USA PATRIOT Act of 2001.

(7) A designation of exemption has no effect on requirements applicable to apply the full range of anti-money laundering controls as set forth in subchapter II of chapter 53 of title 31, United States Code, including the requirement to apply the customer identification program pursuant to section 526(b) of subchapter II of chapter 53 of title 31, United States Code, and the requirement to identify, monitor, and, if appropriate, report suspicious activity in accordance with section 5318(g) of title 31, United States Code.

(8) The Federal banking agencies and the Financial Crimes Enforcement Network have recently provided guidance through the Federal Financial Institutions Examination Council Bank Secrecy Act/Anti-Money Laundering Examination Manual appropriate levels of due diligence and identifying suspicious activity by the types of cash-intensive businesses that generally will be subject to exemption.

(b) SEASONED CUSTOMER EXEMPTION.—

(1) In general.—Section 5331(e) of title 31, United States Code, is amended to read as follows:

“(c) QUALIFIED CUSTOMER EXEMPTION.—

“(1) In general.—The Secretary of the Treasury shall prescribe regulations within 270 days of the enactment of this Act in consultation with the Attorney General, the Secretary of the Department of Homeland Security, the Federal banking agencies, the banking industry, and such other persons as the Secretary determines appropriate, to evaluate the operations and effect of this provision and make recommendations to Congress as to any legislative action with respect to this provision that the Secretary may determine to be appropriate.

SEC. 702. REDUCTION IN INCONSISTENCIES IN MONETARY TRANSACTION RECORD-KEEPING AND REPORTING ENFORCEMENT AND EXAMINATION REQUIREMENTS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that inconsistencies and redundancies among regulations implementing monetary transaction recordkeeping and reporting enforcement programs pursuant to section 504 of the Federal Deposit Insurance Act, section 206(d) of the Federal Credit Union Act, and chapter II of chapter 53 of title 31, United States Code by the Secretary of the Treasury and the Federal banking agencies—

(1) increase the difficulty depository institutions have in complying with congressional intent in creating such enforcement programs;

(2) reduce the transparency and clarity of the regulatory regime;

(3) increase the potential for conflict among the various regulations in the future; and

(4) contribute to the perception that various agencies involved in the enforcement of the monetary transaction recordkeeping and reporting requirements apply such requirements inconsistently.

(b) AGENCY COORDINATION OF MONETARY TRANSACTION RECORDKEEPING AND REPORTING REQUIREMENTS.—

(1) ENFORCEMENT PROGRAMS.—

(A) FEDERAL DEPOSIT INSURANCE ACT.—Section 121, Section 7(s), Section 8(s), and Section 15(s) of the Federal Deposit Insurance Act (12 U.S.C. 1816(s)) is amended by adding at the end the following new paragraph:

“(4) COORDINATION ON UNIFORM REQUIREMENTS.—In prescribing regulations as provided in paragraph (1), the Federal banking agencies, acting through the Financial Institutions Examination Council, shall—

(a) consult with each other, the National Credit Union Administration Board, and the Secretary of the Treasury; and

(b) maintain a deposit account with the depository institution for at least 12 months;

(c) has engaged, using such account, in multiple currency transaction reports that are subject to the reporting requirements of subsection (a).
“(B) take such action as may be necessary to ensure that the requirements for procedures established pursuant to such regulations, and the examination standards for reviewing such procedures, are congruent and reasonably uniform (taking into account differences in the form and function of the institutions subject to such require¬ments).”

(2) EXAMINATION STANDARDS AND DEPUTIES.—Section 5311(c) of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3305) is amended by adding at the end the following new paragraph:

“(e) BY THE CHIEF EXECUTIVE OFFICER.—In carrying out the responsibilities of the Chief Executive Officer under subsection (b), the Chief Executive Officer may determine to be appropriate, and shall undertake such reviews, examinations, and other actions as the Secretary may, in the Chief Executive Officer’s discretion, authorize to ensure compliance with the requirements of such regulations, and the examination standards for reviewing such procedures, are congruent and reasonably uniform (taking into account differences in the form and function of the institutions subject to such require¬ments).”

(3) EFFECTIVE DATE.—The banking agencies, the National Credit Union Administra¬tion Board, the Financial Institutions Examination Council, and the Secretary of the Treasury shall commence the discussions and consultations required by this subsection as soon as practicable after the date of the enactment of this Act.

(c) REPORT OF FINDINGS AND CONCLUSIONS.—Before the end of the 9-month period beginning on the date of the enactment of this Act, the Secretary of the Treasury 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 and the Committee on Banking, Housing, and Urban Affairs of the House of Representatives and the Comptroller General with respect to the study conducted under subsection (a) and such recommendations for legislative and administrative action as the Comptroller General may determine to be appropriate.

Sec. 705. FEASIBILITY STUDY REQUIRED.

(a) IN GENERAL.—For the purpose of simplifying, and increasing compliance with, the various recordkeeping and reporting requirements under subchapter II of chapter 53 of title 31, United States Code, chapter 2 of title I of Public Law 104–208, section 21 of the Federal De¬posit Insurance Act, and regulations prescribed under such provisions of law, the Secretary of the Treasury (hereafter in this section referred to as the “Secretary”) shall conduct a study on the feasibility of developing and implementing interfaces and templates for use in electronic communications between financial institutions (as defined in section 5312(e) of title 31, United States Code) and the Secretary, the Financial Crimes Enforcement Network, and other Federal financial institution regulatory agencies.

(b) FACTORS TO BE CONSIDERED.—In conducting the study required under subsection (a), the Secretary shall take into account—

(1) any procedures required to be maintained by financial institutions as prescribed pursuant to section 5318(a)(2) of title 31 of the United States Code and the manner in which the use of interfaces and templates which might be developed could lessen the burden of complying with such procedures;

(2) any exemptions prescribed by the Secretary under paragraph (5) or (6) of such section 5318(a) and the manner in which interfaces and templates which might be developed could be programmed to reflect any such exemption for a financial institution, transaction, or class of transactions.

(c) PROTOTYPE AND REPORT REQUIRED.—(1) IN GENERAL.—Before the end of the 1-year period beginning on the date of the enactment of this Act, the Secretary shall submit a report to the Congress containing a detailed descrip¬tion of the findings and conclusions of the Secre¬tary in connection with the study required under subsection (a), together with such recom¬mendations for legislative or administrative action as the Secretary may determine to be ap¬propriate.

(2) PROTOTYPE.—Any recommendation on the feasibility of developing and implementing inter¬faces and templates for use in electronic communica¬tions shall be accompanied by prototypes of such interfaces and templates that demonstrate such feasibility.

Sec. 706. STUDY BY COMPTROLLER GENERAL.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study on methods and practices which would—

(1) reduce the overall number of currency transaction reports filed with the Secretary of the Treasury under section 103.29(a)(1) of title 31, United States Code, while ensuring that the needs of the Secretary, the Financial Crimes En¬forcement Network, law enforcement agencies, and financial institution regulatory agencies continue to be met;

(2) improve financial institution utilization of the currency transaction report system; and

(3) mitigate the difficulties in the current im¬plementation of such exemption provisions that limit the utility of the exemption process for financial institutions.

(b) REPORT.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate with respect to the study conducted under subsection (a) and such recommendations for legislative and administra¬tive action as the Comptroller General may deter¬mine to be appropriate.

Sec. 707. REIMBURSEMENT OF REASONABLE EXPENSES.

The Comptroller General may arrange for the use of the services of officers and employees of the United States Government, when requested by the Comptroller General, in connection with the studies and reports required under this subchapter and shall pay the reasonable expenses of such officers and employees of the United States Government, including transportation expenses necessary therefor, out of funds appropriated under this Act.
all parties engaged in electronic communications among each other.

SEC. 706. ANNUAL REPORT BY SECRETARY OF THE TREASURY.

(a) FINDINGS—The Congress finds as follows:

(1) Financial institutions have too little information about money laundering and terrorist financing compliance in other markets.

(2) The Financial Action Task Force designation system does not adequately represent the progress countries are making in combating money laundering.

(3) Lack of information about the compliance of countries with anti-money laundering standards exposes United States financial markets to excessive risk.

(4) Failure to designate countries that fail to make progress in combating terrorist financing and money laundering eliminates incentives for internal reform.

(5) The Secretary of the Treasury has an affirmative duty to provide to financial institutions and examiners the best possible information on compliance with anti-money laundering and terrorist financing initiatives in other markets.

(b) REPORT.—Not later than March 1 of each year, the Secretary of the Treasury shall submit to the Congress a report that identifies the applicable standards of each country against money laundering and states whether that country is primary money laundering concern under section 5318A of title 31, United States Code. The report shall include—

(1) information on the effectiveness of each country in meeting its standards against money laundering;

(2) a determination of whether the efforts of that country to combat money laundering and terrorist financing are adequate, improving, or inadequate; and

(3) the efforts made by the Secretary to provide guidance and technical assistance to the activities that were the basis for the determination that the country was of primary money laundering concern.

(c) DISSEMINATION OF INFORMATION IN REPORT.—The Secretary of the Treasury shall make available to the Federal Financial Institutions Examination Council for incorporation into the examination process, in consultation with Federal banking agencies, and to financial institutions the information contained in the report submitted under subsection (a). Such information shall be made available to financial institutions without cost.

(d) DEFINITION.—For purposes of this section, the term ‘‘terrorism’’ has the meaning given that term in section 512(a)(2) of title 31, United States Code.

SEC. 707. PRESERVATION OF MONEY SERVICES BUSINESSES.

(a) FINDINGS.—The Congress finds as follows:

(1) Title III of the USA PATRIOT ACT provided United States law enforcement agencies with new tools to combat terrorist financing and money laundering.

(2) The Financial Crimes Enforcement Network in the Department of the Treasury (hereafter referred to as ‘‘FinCEN’’) has defined money services businesses to include the following 5 distinct types of financial services providers as well as the United States Postal Service:

(A) Currency dealers or exchanges.

(B) Check cashing services.

(C) Issuers of travelers’ checks, money orders, or stored value cards.

(D) Sellers or redeemers of travelers’ checks, money orders, or stored value cards.

(E) Money transmitters.

(3) Money services businesses have had more difficulty in obtaining and maintaining banking services since the passage of the USA PATRIOT ACT.

(4) On March 30, 2005, FinCEN and the Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act) issued a joint statement recognizing the importance of ensuring that money services businesses that comply with the law have reasonable access to banking services.

(5) On April 26, 2005, FinCEN offered guidance to money service businesses on obtaining and maintaining banking services by identifying and explaining why some services businesses the types of information and documentation they are expected to have, and to provide to, depository institutions when conducting banking business.

(6) At the same time, FinCEN and the Federal banking agencies have issued joint guidance to depository institutions:

(A) clarify to requirements of subchapter II of chapter 53 of title 31, United States Code, and related provisions of law; and

(B) set forth the minimum steps that depository institutions should take when providing banking services to money services businesses.

(7) It is in the interest of the United States and its financial institutions to make progress in combatting terrorist financing and weapons against terrorism and drugs to make certain that the international transfer of funds is done in a rules-based, formal, and transparent manner and that individuals are not forced into utilizing informal under-ground methods due to a lack of services.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that depository institutions and money services businesses should follow the guidance offered by FinCEN for the purpose of giving money services businesses full access to banking services and ensuring that money services businesses are not forced into utilizing informal financial systems and can be full players in providing important financial services to their customers and be fully cooperative in the fight against terrorist financing and money laundering.

TITLE VIII.—CLERICAL AND TECHNICAL AMENDMENTS

SEC. 801. CLERICAL AMENDMENTS TO THE HOME OWNERS’ LOAN ACT

(a) AMENDMENTS TO TITLE VIII CONTENTS.—The table of contents in section 1 of the Home Owners’ Loan Act (12 U.S.C. 1461) is amended by striking the items relating to sections 5 and 6 and inserting in their places the following:

‘‘Sec. 5. Savings associations.

‘‘Sec. 6. [Repealed].’’

(b) CLERICAL AMENDMENTS TO HEADINGS.—

(1) The heading for section 4(a) of the Home Owners’ Loan Act (12 U.S.C. 1461(a)) is amended by striking ‘‘(a)’’ and inserting ‘‘(a) FEDERAL SAVINGS ASSOCIATIONS—’’

(2) The heading for section 5 of the Home Owners’ Loan Act (12 U.S.C. 1464) is amended to read as follows:

‘‘Sec. 5. SAVINGS ASSOCIATIONS.’’

SEC. 802. TECHNICAL CORRECTIONS TO THE FEDERAL CREDIT UNION ACT.

The Federal Credit Union Act (12 U.S.C. 1751 et seq.) is amended as follows:

(1) In section 101(c), strike ‘‘and’’ after the semicolon.

(2) In section 101(g), strike the terms ‘‘account account’’ and ‘‘account accounts’’ each place any such term appears and insert ‘‘account account’’.

(3) In section 107(a)(3)(E) (as so designated by section 303 of this Act), strike the period at the end and insert a semicolon.

(4) In paragraphs (6) and (7) of section 107(a) (as so designated by section 303 of this Act), strike the period at the end and insert a semicolon.

(5) In section 107(a)(7)(D) (as so designated by section 303 of this Act), strike ‘‘the Federal Savings and Loan Insurance Corporation or’’.

(6) In section 107(a)(13) (as so designated by section 303 of this Act), strike ‘‘the Federal Home Loan Bank Board, and’’.

(7) In section 107(a)(19) (as so designated by section 303 of this Act), strike ‘‘subchapter III’’ and insert ‘‘title III’’.

(8) In section 107(a)(13) (as so designated by section 303 of this Act), strike the ‘‘and’’ after the semicolon at the end.

(9) In section 109(c)(2)(A)(i), strike ‘‘(12 U.S.C. 4703)’’.

(10) In section 120(h), strike ‘‘the Act approved July 30, 1947 (6 U.S.C., secs. 6-13),’’ and insert ‘‘chapter 93 of title 31, United States Codes (12 U.S.C. 1811)’’.

(11) In section 201(b)(5), strike ‘‘section 116 of’’.

(12) In section 202(b)(3), strike ‘‘section 207(c)(1)’’ and insert ‘‘section 207(k)(1)’’.

(13) In section 204(b), strike ‘‘such others powers’’ and insert ‘‘such other powers’’.

(14) In section 206(c)(2)(D), strike ‘‘and’’ after the semicolon at the end.

(15) In section 206(c)(1), strike ‘‘subsection (e)(3)(B)’’ and insert ‘‘subsection (e)(3)’’.

(16) In section 206(g)(7)(D), strike ‘‘and subsection (1)’’.

(17) In section 206(c)(2)(B), insert ‘‘regulations’’ after ‘‘as defined’’.

(18) In section 206(g)(2)(C), strike ‘‘material affect’’ and insert ‘‘material effect’’.

(19) In section 206(k)(4)(A)(iii)(I), strike ‘‘or’’ after the semicolon at the end.

(20) In section 206(a)(2)(A), strike ‘‘regulator agency and’’ and insert ‘‘regulatory agency and’’.

(21) In section 207(c)(5)(B)(iii), strike ‘‘and’’ after the semicolon at the end.

(22) In the heading for subparagraph (A) of section 207(d)(3), strike ‘‘and’’ and insert ‘‘with’’.

(23) In section 207(j)(3)(A), strike ‘‘category or classifications’’ and insert ‘‘category of claimants’’.

(24) In section 209(a)(8), strike the period at the end and insert a semicolon.

(25) In section 216(n), insert ‘‘any action’’ before ‘‘that is required’’.

(26) In section 304(b)(3), strike ‘‘the affairs or such credit union’’ and insert ‘‘the affairs of such credit union’’.

(27) In section 310, strike ‘‘section 102(e)’’ and insert ‘‘section 102(d)’’.

SEC. 803. OTHER TECHNICAL CORRECTIONS.

(a) Section 1306 of title 18, United States Code, is amended by striking ‘‘513A’’ and inserting ‘‘513B’’.

(b) Section 5329 of the Revised Statutes of the United States (12 U.S.C. 33) is amended by redesignating the second of the 2 subsections designated as subsection (d) (as added by section 331(b)(3) of the Riegle Community Development and Regulatory Improvement Act of 1994) as subsection (d).

SEC. 804. REPEAL OF OBSELETE PROVISIONS OF THE BANK HOLDING COMPANY ACT OF 1956.

(a) In General.—Section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841) is amended by—

(1) in subsection (o)(2), by striking subparagraphs (I) and (J); and

(2) by striking subsection (m) and inserting the following new subsection:

(n) ’’(n) ’’ [Repealed].’’

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Paragraphs (1) and (2) of section 4(h) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(h)) are each amended by striking ‘‘(2)’’ and inserting ‘‘(2)’’.

TITLE IX—FAIR DEBT COLLECTION PRACTICES ACT AMENDMENTS

SEC. 901. EXCEPTION FOR CERTAIN BAD CHECK ENFORCEMENT PROGRAMS OPERATED BY PRIVATE ENTITIES.

(a) In General.—The Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.) is amended by—

(1) redesignating section 818 as section 819; and

(2) by inserting after section 817 the following new section:

‘‘§818. Exception for certain bad check enforcement programs operated by private entities’’.

‘‘(a) In General.—If—’’.
“(1) A State or district attorney establishes, within the jurisdiction of such State or district attorney and with respect to alleged bad check violations that do not involve a check described in subsection (a), a pretrial diversion program for alleged bad check offenders who agree to participate voluntarily in such program to avoid criminal prosecution and are not described in subsection (b); “(2) a private entity, that is subject to an administrative support services contract with a State or district attorney and operates under the direction and control of such State or district attorney, operates the pretrial diversion program described in paragraph (1); and “(3) the implementation duties delegated to it by a State or district attorney under the contract, the private entity referred to in paragraph (2)— “(A) complies with the penal laws of the State; “(B) conforms with the terms of the contract and directives of the State or district attorney; “(C) does not exercise independent prosecutorial discretion; “(D) contacts any alleged offender referred to in paragraph (1) for purposes of participating in a pretrial diversion program such paragraph (1) as a result of any determination by the State or district attorney that sufficient evidence of a bad check violation under State law exists or is subsequently determined by the State or district attorney for purposes of participation in the program is appropriate; or “(ii) as otherwise permitted in response to evidence of a bad check; “(E) includes as part of an initial written communication with an alleged offender a clear and conspicuous statement that— “(i) the alleged offender may dispute the validity of any alleged bad check violation through a procedure established and supervised by the State or district attorney, together with an explanation of how such a dispute may be initiated; and “(ii) where the alleged offender knows, or has reasonable cause to believe, that the alleged bad check violation is the result of theft or forgery of the check, identity theft, or other fraud that is not the result of the alleged offender’s conduct, the alleged offender may file a crime report with the appropriate law enforcement agency and have further contacts or restitution efforts suspended until the question of the theft or forgery of the check, identity theft, or other fraud has been resolved, together with clear instructions on how to file such crime report; and “(iii) states in connection with services under the contract that— “(i) have been authorized by the contract with the State or district attorney; and “(iv) is a schedule of reasonable charges for such services which shall be established by the National District Attorney’s Association, after consultation with the Commission and representatives of interested business and consumer organizations, the private entity shall be treated as an officer of the State and excluded from the definition of debt collector, pursuant to the exception provided with respect to bad check offenders described in the entity’s operation of the program described in paragraph (1) under the contract described in paragraph (2). “(b) CERTAIN OFFENDERS EXCLUDED.—An alleged bad check offender is described in this subsection if a private entity described in subsection (a) may not determine from available records that such offender— “(1) was convicted of a bad check offense in the 3 years prior to issuing the bad check under consideration; “(2) participated in a pretrial diversion program in the 18 months prior to issuing the bad check under consideration; “(3) is an entity described in this subsection if the check involves, or is subsequently found to involve— “(1) a postdated check presented in connection with a payday loan, or other similar transaction, where the holder of the check knew that the issuer had insufficient funds at the time the check was made, drawn, or delivered; “(2) a stop payment order where the issuer acted in good faith and with reasonable cause in stopping payment on the check; “(3) a check for an adjustment to the issuer’s account by the financial institution holding such account without providing notice to the person at the time the check was made, drawn, or delivered; “(4) a check for partial payment of a debt where the holder had previously accepted partial payment for such debt; (5) a check issued to a person who was not competent, or was not of legal age, to enter into a legal contractual obligation at the time the check was made, drawn, or delivered; or “(6) a check issued to pay an obligation arising from a transaction that was illegal in the jurisdiction of the State or district attorney at the time the check was made, drawn, or delivered. “(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply: “(1) STATE OR DISTRICT ATTORNEY.—The term ‘State or district attorney’ means the chief elected or appointed attorney in a State or district, county (as defined in section 2 of title 1, United States Code), municipality, or comparable jurisdiction, including State attorneys general, general counsel, or appointed prosecuting attorneys in a district, county (as so defined), municipality, or comparable jurisdiction, who may be referred to by a variety of titles such as district attorneys, prosecuting attorneys, commonwealth’s attorneys, solicitors, county attorneys, and state’s attorneys, and who are responsible for the prosecution of State crimes and violations of jurisdiction-specific local ordinances. “(2) CHECK.—The term ‘check’ has the same meaning as in section 3(b) of the Check Clearing for the 21st Century Act. “(3) BAD CHECK.—The term ‘bad check’ means any check that— “(A) the issuer knew, or should have known, would not be paid upon presentation because the issuer— “(i) had no account with the drawee financial institution at the time the check was made, drawn, or delivered; “(ii) had closed the account upon which the check was made or drawn prior to the time the check was made, drawn, or delivered; or “(iii) used a false or altered check account number; or “(B) was refused payment by the financial institution or other drawee for lack of sufficient funds or other reason, and any written notice is in compliance with the applicable State law requirements as described in clause (i) and the timing and mode of delivery of such written notice is in compliance with the applicable State law for determining criminal liability for bad check offenses; or “(ii) in a case in which there are no applicable State law requirements as described in clause (i), within 30 days of receiving written notice, mailed to the issuer by certified mail to the address printed on the check, or given at the time the check was made, drawn or delivered or, otherwise, at the address where the alleged offender resides or is found, from the holder of the check that payment of 1 or more checks was refused by the drawee financial institution.’ “(d) LEGAL PLEADINGS.—If the alleged offender, in response to eviction, the following new subsection: “(c) NOTICE PROVISIONS.—The sending or delivery of any form or notice which does not require the payment of a debt and is expressly required by any other Federal or State law or regulation, including the Internal Revenue Code of 1986, title V of Gramm-Leach-Bliley Act, and any data security breach notice and privacy law shall not be treated as a communication in connection with debt collection.” “(e) E STABLISHMENT OF RIGHT TO COLLECT WITHIN THE FIRST 30 DAYS.—Section 809(b) of the Fair Debt Collection Practices Act (15 U.S.C. 1692(b)) is amended by striking ‘‘If the consumer’’ and inserting ‘‘Collection activities and communications may continue during any 30-day period in which the consumer, or the consumer’s representative, disputes the validity of the debt or any portion thereof, provided the creditor provides the consumer with a statement of the reasons for the disputed debt within thirty days after receipt of a written notice from the consumer disputing the validity of the debt’’. “(f) establish a process for alleged bad check offenders who agree to participate voluntarily in such program to avoid criminal prosecution and are not described in subsection (b);” ""818. Exception for certain bad check enforcement programs operated by private entities."" SEC. 902. OTHER AMENDMENTS. (a) LEGAL PLEADINGS.—Section 809 of the Fair Debt Collection Practices Act (15 U.S.C. 1692a) is amended by adding at the end the following new subsection: ""(e) NOTICE PROVISIONS.—A communication in the form of a formal pleading in a civil action shall not be treated as an initial communication for purposes of subsection (a)."" (b) NOTICE PROVISIONS.—Section 809 of the Fair Debt Collection Practices Act (15 U.S.C. 1692a) is amended by adding after subsection (d) (as added by subsection (a) of this section) the following new subsection: ""(e) NOTICE PROVISIONS.—The sending or delivery of any form or notice which does not require the payment of a debt and is expressly required by any other Federal or State law or regulation, including the Internal Revenue Code of 1986, title V of Gramm-Leach-Bliley Act, and any data security breach notice and privacy law shall not be treated as a communication in connection with debt collection."" (c) E STABLISHMENT OF RIGHT TO COLLECT WITHIN THE FIRST 30 DAYS.—Section 809(b) of the Fair Debt Collection Practices Act (15 U.S.C. 1692(b)) is amended by striking ‘‘If the consumer’’ and inserting ‘‘Collection activities and communications may continue during any 30-day period in which the consumer, or the consumer’s representative, disputes the validity of the debt or any portion thereof, provided the creditor provides the consumer with a statement of the reasons for the disputed debt within thirty days after receipt of a written notice from the consumer disputing the validity of the debt’’. ""818. Exception for certain bad check enforcement programs operated by private entities."" The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. OXLEY), and the gentleman from Kansas (Mr. MOORE) each will control 20 minutes. The Chair recognizes the gentleman from Ohio. Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume. Today the House will consider H.R. 3505, the Financial Services Regulatory Relief Act of 2005. H.R. 3505 is intended to alter or eliminate statutory banking provisions to lessen the growing regulatory burden on insured depository institutions as well as make technical corrections to current law. The bill contains a broad range of constructive provisions that, taken as a whole, will allow banks, thrifts, and credit unions to devote more resources to the business of providing financial services and less to compliance with outdated and unneeded regulations. While effective regulation of the financial services industry is central to the preservation of public trust, this legislation will benefit consumers and the economy by lowering costs and improving productivity. I want to congratulate Mr. HENSARLING, the lead author of the legislation, along with Mr. MOORE, who both introduced H.R. 3505 last July. The bill included virtually all of H.R. 1375, which passed the House in 2004 by a vote of 392-25, and adds a new title addressing Bank Secrecy Act issues and over 20 other new sections. Mrs. CAPITO also deserves recognition for her long-standing support of regulatory relief legislation. Indeed, it was her legislation that passed in 2004. Following H.R. 3505’s introduction, Chairman BACHUS held 2 days of legislative hearings by the Financial Institution Subcommittee, with witnesses.
Mr. Speaker, the financial services industry is laboring under an enormous regulatory burden. While many of the regulatory requirements are necessary to protect consumers and meet other worthy public policy objectives, a number are clearly burdensome. For this reason, shortly after I assumed the chairmanship of the committee, I asked the financial regulators and industry trade groups to give us their best advice on how we could ease regulatory requirements faced by insured depositories. The goal was to free depository institutions from unduly burdensome regulations and encourage them to better serve their customers and communities.

It was clear then, as it is today, that there also needs to be a counterbalance to the significant compliance responsibilities placed on depository institutions by the USA PATRIOT Act as well as other government efforts to counterterrorist financing. Excessive regulation affects all sectors of the financial services industry and presents the greatest burden for smaller institutions. For small banks to continue to serve their historic role as a financial lifeline for local communities, they must be free to operate in a regulatory environment that does not constrain them with arduous requirements.

H.R. 3505, for instance, includes the following provisions: national banks could more easily operate as subchapter S corporations to avoid double tax on a bank’s earnings, as well as choose among different forms of business ownership. Thrift institutions are given some of the same investment, lending and business organization flexibility available to banks. Credit unions would have wider options for investments, lending, mergers and conversions. Regulators are given more latitude in scheduling exams, sharing data, retaining records, and streamlining reports of condition. And clerical and administrative requirements in conjunction with these actions involve large sums of cash, reports that can be extraordinarily useful to law enforcement but which often are filed on obviously unremarkable transactions, such as a store’s daily deposits. Thus, it streamlines the process for exempting institutions from reporting such transactions. Other sections of title VII seek to eliminate inconsistencies or duplicative requirements in conjunction with the filing of suspicious activity reports, or SARS.

Mr. Speaker, the financial services industry spends a great deal of money every year complying with outdated and ineffective regulations. That is money that could instead be lent for new homes, new cars, and new projects, fueling job growth in local communities. The sooner we enact this legislation, the sooner we will provide needed relief to depository institutions and increase financial opportunities for both consumers and businesses. So I urge Members to support passage of H.R. 3505.

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

Mr. MOORE of Kansas. Mr. Speaker, I would like to thank Chairman OXLEY and Ranking Member FRANK for supporting H.R. 3505 and ensuring its consideration on the House floor today. I would also like to thank Congressman HENSARLING for working with me to introduce the Financial Services Regulatory Relief Act. The Financial Services Committee has a strong record of bipartisanism, and I am glad that has extended to this bill. Regulatory relief should not be about Republicans or Democrats; it should be about doing the right thing for the lenders in our communities who play such an important part in expanding home ownership and creating opportunities for business enterprises and families.

Our committee passed this legislation November by a vote of 67-0, and with this being the last year of his chairmanship, I wish to thank particularly Chairman MIKE OXLEY for working across party lines and forging the kind of consensus that led to a unanimous vote in our committee. This is really the model for how Congress should operate and demonstrates that bipartisan efforts on behalf of our constituents and for the good of the country.

During the 108th Congress, the House passed a very similar reg-relief bill by a vote of 392-25. I hope the House will pass this bill by a similarly wide margin.

Mr. Speaker, small lenders in our communities particularly feel the burden of duplicative and unnecessary regulations. Whenever Congress or the regulatory agencies impose a new burden on industry, small institutions must devote a large percentage of their staff’s time to review the new law or regulation to determine if it can and how it will affect them. Compliance with new laws and regulations, while necessary, nearly always takes a large amount of time that businesses can’t devote to serving their customers and our constituents.

Strong regulation of our country’s financial system is absolutely essential, but Congress and the financial regulatory agencies have an obligation to strike the right balance in this area, and I believe H.R. 3505 is an important step in the right direction. Since coming to Congress, I have heard from many depository institutions in my district and throughout Kansas. I am glad to address in H.R. 3505 some of the concerns that I have heard about.

According to the Office of the State Bank Commissioner in Kansas, assets for four State-chartered banks, thrifts and mortgage lenders have reached an all-time high of approximately $20 billion. As these businesses have prospered, so too have they faced increasing requirements to comply with both old and new regulatory burdens, in addition to the one created by the Bank Secrecy Act.

H.R. 3505, Mr. Speaker, seeks to provide relief from some of these new burdens to our financial institutions in a way that preserves our ability to effectively track terrorists and build upon our successes in freezing the funds of terrorists. Representative HENSARLING and I, together with the bill’s 39 bipartisan cosponsors and 67 supporters on the Financial Services Committee, agree that waging a strong war on terror and providing some reg relief to our financial institutions are not incompatible goals.

Additionally, Mr. Speaker, H.R. 3505 provides two new sections of reg relief for our credit unions that were not included in the previous version of this measure, H.R. 1375.

Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for yielding me this time and for his leadership on this bill. I also congratulate the leadership on both sides of the aisle, and I rise in strong support of H.R. 3505. The Financial Services Committee passed it out in October. This bill has a number of provisions that I strongly support and which I have worked in a bipartisan way to get into this legislation.

As a representative from New York City, the financial center of the United States, I am concerned about the burdens that regulation and reporting requirements impose on our financial institutions, particularly those that are not mega-institutions but are mid-sized and smaller. I know that the vast majority of my colleagues on both sides of the aisle share this concern, and we have worked together to address it in this legislation.

Last year, we passed regulatory relief by an overwhelming majority in the House but it failed in the Senate. I voted for that bill, although I thought it could use some improvement, and this bill is improved by the addition of
Mr. Speaker, I now yield 2 minutes to the gentlewoman from New York (Mrs. Kelly), the chairwoman of the Oversight Subcommittee.

Mrs. Kelly. Mr. Speaker, I rise today in strong support of H.R. 3505. This bill contains many important items that will benefit banks, credit unions, small businesses, and consumers in our country, making it easier and cheaper to receive financial services.

The bill also enhances our national security. Section 706 of the bill, authored by myself and Mrs. Maloney of New York, will establish a certification regime for foreign countries that clearly identifies to taxpayers and financial institutions which countries are not enforcing laws against money laundering and terrorist financing. This certification regime will compel foreign nations to better enforce their laws and seek technical assistance from the United States.

Section 707 of the bill is extremely important to our community banks, including increased commercial and small business lending authority for Federal savings associations, regulation of thrift trust activities in a manner comparable to bank trust activities, and an exemption from annual privacy notice requirements for financial institutions that do not share customer information.

This bill also contains regulatory relief for credit unions, taken from the Credit Union Regulatory Improvement Act, which I have cosponsored for several Congresses.

Mr. Speaker, I urge my colleagues to support this bill. I look forward to the passage of this House and hopefully in the other body also.

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

Mr. Oxley. Mr. Speaker, I now yield 2 minutes to the gentleman from New York (Mr. Bachus), the chairman of the Subcommittee on Financial Institutions.

Mr. Bachus. Mr. Speaker, let me say under Chairman Oxley's leadership, this committee has been committed for almost 6 years with freeing depository institutions of unduly and unnecessary burdensome regulations. When we started this quest, the burden on those institutions was estimated at $25 billion a year. It is now $36 billion a year, and that is despite the fact that we have passed two or three pieces of legislation that have done away with some of these regulations.

Last year the House passed overwhelmingly similar legislation to this legislation; it unfortunately died in the other body. The legislation before us would have brought our total number of small community banks to between $15 and $20 billion, and that is not to depository institutions; that is actually money that will be available to loan to Americans to finance home purchases, cars, property, or it will be available to pay greater yields on their deposits. So this is a very good bill for America. It will strengthen not only our financial institutions, but our economy.

I would like to commend the following people: Mrs. Maloney and Mr. Renzi. Mrs. Maloney has already spoken about the importance of the seasoned investor exemption where people who deal with banks on a daily and weekly basis depositing money, where those banks will not have to file unnecessary paperwork. It will aid Bill Fox at FinCEN, who is in charge of preventing money laundering and says that this provision will make it easier for law enforcement, for the FBI and other agencies to track money laundering and eliminate costly filings.

I would like to commend Mr. Ryun for some very strong provisions helping our community and independent banks; and Mr. Kanjorski and Mr. Royce.

Finally, I would say to Mr. Hensarling and Mr. Moore, you have done a fine job on this bill, and I commend you and comment this product.

Mr. Moore of Kansas. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. Hensarling), the author of this legislation.

Mr. Hensarling. Mr. Speaker, first, I want to thank Chairman Oxley for his great commitment to this legislation and his critical leadership in tackling this important topic these many years. And I also want to thank Chairman Bachus for his outstanding leadership on the subcommittee level. And finally, I want to thank the ranking member (Mr. Ron Paul of Texas) and the gentleman from Kansas (Mr. Moore) for their bipartisan efforts in ensuring that we help reduce the regulatory burden on our Nation's financial institutions.

With thoughtful regulatory relief, Congress can free up more capital for small businesses and families. Excessive, redundant, costly regulations can make credit more expensive and less accessible. These regulations can keep Americans from obtaining their first mortgage, buying their first car, financing a child's education, or starting a small business that creates needed new jobs.

Mr. Speaker, we know that the Federal regulatory burden falls disproportionately on our smaller banks and credit unions. For example, the total number of small community banks has declined by almost a third in just one decade. Now, I am sure there are a number of reasons for all of these new regulations and mergers that have taken place, but from speaking to folks in my home State of Texas, certainly the burden and cost of Federal regulation rank among the top reasons, and certainly one of the top challenges to their continued profitability and their continued viability.

Furthermore, since 1989, bank regulators have promulgated over 850 new regulations. That is about 50 new regulations a year. Can we really expect our small, independent financial institutions to keep up with this pace? I do not believe we can, and I do not believe we should.

This is worrisome because I believe it is these small, independent financial institutions that continue to be the economic lifeline of many of our rural communities and a number of our inner-city neighborhoods. Let me offer one example from my home congressional district, First State Bank of Athens, Texas. This bank makes 50 to 75 mortgage, buying their first car, financing a child’s education, or starting a small business that creates needed new jobs.
American Veterans, and the East Texas Arboretum, to name a few. This bank has funded a local employer, Texas Raggtime, that has 90 employees, not to mention the jobs that they helped create at Nelson’s Henderson County Door and Futuromax® Medical Devices. Last but not least, they made 503 small business loans and an additional 314 small agricultural loans.

Yet we need to know that with burdensome regulatory compliance, every dollar they spend on regulatory compliance is a dollar they cannot spend on Meals on Wheels or to create new jobs at Raggtime. The same is true for every other small financial institution across our Nation. We in Congress can never lose sight of this fact.

This same bank in Athens, Texas, like thousands across the Nation, spends close to half a million dollars a year combined each year on BSA compliance, Reg B, Reg E, Reg D, CRA, HMDA, HOEPA, Reg O, Reg X, and Reg Z, just to name a few.

If Congress cannot determine a compelling reason for any existing regulation in a modern marketplace, I believe we have a duty to modify or eliminate that regulation.

Now I am particularly pleased about the relief this bill offers for currency transaction transaction reports. Unfortunately, the environment we are in today has led many banks to file their CTRs, cash transaction reports, and their suspicious activity reports in a highly defensive manner. Under this legislation I believe the majority of the 13 million-plus CTRs filed annually would stop, saving many, many hours and many, many thousands of dollars in savings in filling out these forms. This would also, perhaps more importantly, allow our law enforcement officials to better direct resources and help properly evaluate the suspicious activity reports, and thus better fight crime and terrorism.

Mr. Speaker, finally, this bill has received rare unanimous support when it was reported out of the Committee on Financial Services. It represents the hard work of Members on both sides of the aisle. I do believe that this bill will provide substantive regulatory relief for our financial institutions, and that will put more money, more capital, in the hands of those on the front lines of community lending and help American families realize their dreams.

Mr. MOORE of Kansas. Mr. Speaker, I yield myself the balance of my time.

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

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

Mr. OXLEY. Mr. Speaker, I again reiterate my thanks to the members of the committee for a strong bipartisan vote and a very good effort. We are encouraged now on the other side of the Capitol that they have had their hearing, and Senator CRAPO and others are working towards the same goal as the House is, and we expect that bill to pass today.

I particularly thank the gentleman from Ohio (Mr. GILLMOR) for crafting a very key compromise amendment with the ranking member, the gentleman from Massachusetts (Mr. FRANK), dealing with the ILCs, one of the tougher issues that the committee has had to deal with over some time, and yet that compromise has stood the test of time, and I congratulate particularly Mr. GILLMOR and Mr. FRANK for their diligence on that.

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

The SPEAKER pro tempore. The question was taken.

Mr. OXLEY. 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 legislation just passed.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2830, PENSION PROTECTION ACT OF 2005

Mr. McKEON. Mr. Speaker, I ask unanimous consent to take from the Speaker’s table the bill (H.R. 2830) to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to reform the pension funding rules, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference report as ordered to the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. George Miller of California moves that H.R. 2830, PENSION PROTECTION ACT OF 2005—

(1) to agree to the provisions contained in section 403 of the Senate amendment (relating to plan benefits guaranteed when regulations prescribed by the Federal Aviation Administration require an individual to separate from service after attaining any age before 65);

(2) to insist on the provisions contained in section 907 of the bill as passed the House (relating to making tax refunds to individual retirement plans);

(3) to insist on the provisions contained in section 902 of the bill as passed the House (relating to making the saver’s credit permanent); and

(4) to insist on a conference report that imposes the smallest additional funding requirements (permitted within the scope of conference) on companies that sponsor pension plans if there is no reasonable likelihood the termination of the plan would impose additional liabilities to the Pension Benefit Guaranty Corporation or that there is no reasonable likelihood the plan sponsor would terminate the plan in bankruptcy.

Mr. OXLEY. 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 legislation just passed.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

Mr. McKEON. Mr. Speaker, I reserve all points of order against the motion.
The SPEAKER pro tempore. A point of order is reserved.

The Chair recognizes the gentleman from California.

(Mr. GEORGE MILLER of California asked and was given permission to revise remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, Members of the House, we offer this motion to instruct, because today, all across America, employees are worried sick about their retirement nest egg. They have seen big airlines like USAir and United cut and run on their obligations to pay the promised pension benefits and are wondering if they are next. They have seen major companies like Verizon, IBM, Motorola, NorthWest, Delta, Sears Roebuck Company, Alcoa, Hewlett Packard, Lockheed Martin freeze their plans. We just read that General Motors will close its defined benefit plan to new hires and give them a 401(k) instead. These are devastating developments that need urgent action by this Congress.

Unfortunately, this House bill makes none of these provisions better. In fact, it may make some of them worse. This motion we urge to instruct the conference committee on:

First, it provides needed help to the airline pension plans hurt by 9/11 and skyrocketing fuel prices from terminating. It would be devastating to hundreds of thousands of workers across this Nation if all these airlines were permitted to dump their plans into the PBGC. When this happens, the big losers are the employees.

Look at the pilots of United, for example. They had a vested pension benefit cut in half. The average pilot lost $1,270. Here is what you see what happens when an airline or any employer is allowed to simply dump the plan into the Pension Benefit Guaranty Corporation, the government body that is set up to protect workers' pensions. You see here that the pilots, 14,000 pilots, and 6,000 of them were retirees who lost 50 percent of their benefits; they lost $1,370 a month for the rest of their lives, for the rest of their lives. Management, employees and ticket sellers and others; 42,000 of them, 12,000 retirees lost $221 for the rest of their lives as did the machinists and the ground crews, who lost $493. That is because the company made essentially a unilateral decision simply to dump this plan with no justification into the PBGC.

There are other actions that could be taken. The reason that we are here today is because a number of airlines have said, let us see if we can work with our employees if we can stretch out these plans, if we can keep from terminating them. We can work through these difficult times for the airline industry, that there may be a way to do this and get away from the tragedy that happened to these retirees and to the airlines.

Let us just be very clear about this. These are not 401(k) investments that went wrong in a bad market, these pension plans that were dumped into the PBGC. They were rock solid pension benefits that were stripped away from these employees and retirees for the convenience of United executives and shareholders.

While the workers, the pilots, flight attendants, machinists and others, were losing millions of promised benefits, the majority party in this Congress didn't fight for them, didn't lift a finger for them, didn't even offer a fair hearing to the people who were most impacted by the decisions by people like United. This is a national disgrace.

This motion accepts the Senate provision that gives these airlines the ability to keep their plans going while stretching out payments. Freezing a plan is a lot better than terminating.

Go ask the ticket agents, the pilots and the mechanics at United whether they would have rather had their pension plan frozen while the airline continued to work, or whether they would have it terminated.

The motion would also support the Senate provision to provide full Pension Guaranty Corporation retirement benefits on the guaranteed interest. The adopted amount, about $70,000, by the Federal Government, for those pilots who are required by the Federal Government to retire at age 60. This was a double hit to these pilots. The Federal law had already told them to retire at age 60, and then the Pension Benefit Guaranty Corporation told them, because you had early retirement at age 60, you are going to lose even more of your pension every year. We should protect those pilots. They had no way to protect themselves.

This motion also makes it clear that the bill's onerous funding requirements do not apply to companies that pose no risk of terminating or liability to the Pension Benefit Guaranty Corporation. Forcing healthy plans out of the system does not make our pension system more secure, it makes it less secure.

The House bill as written will give a financial hit to company pension plans that do not face the risk of termination and don't threaten the solvency of the Pension Benefit Guaranty Corporation.

Finally, this motion supports the commonsense provision that will encourage savings through the savings credits to allow people to deposit a portion of their tax refunds into savings accounts. Let us keep these airline pension plans going as hundreds of thousands of employees at Delta, Continental, Northwest Airlines are not put in the same position as the employees of United, and I urge the Members to support this motion to instruct.

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

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, let us be clear this motion to construct is nothing less than an attempt to undermine bipartisan efforts on the pension reform. The Democrat motion to instruct is hypocrisy at the highest level. They want these plans to be well funded, as we all do, yet want to mask the health of pension plans and make them look better funded than they really are. The result will be that companies are going to freeze or terminate, and employees will continue to lose their hard-earned benefits.

I would like to point to a colloquy between the majority leader and the gentleman from Georgia, (Mr. Price) on the floor on December 15 of 2005. During the colloquy, the majority leader pledged to work on a responsible and appropriate solution to addressing the airline pension issue in conference, which is what we plan on doing. The time has arrived, and we are about to debate the Senate airlines provision on the merits.

The Democrat motion to instruct is an attempt to undermine the conference and should be seen as nothing more than an effort to weaken and, in fact, derail pension reform. Again, an examination of legacy airline relief is appropriate in conference, which we will do. Examining the procedural hurdles that the Democrat motion would throw around the rules for their benefit, I urge you to reject the motion to instruct and let us get our work done.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. CARDIN) of Ways and Means.

Mr. CARDIN. Mr. Speaker, let me thank Mr. MILLER for yielding this time.

Mr. Speaker, we do need pension legislation. We need pension legislation that will protect the worker, that will reform the PBGC, the guaranty fund, and will encourage companies to maintain and strengthen their pension plans. The Miller motion to instruct encourages us to be able to accomplish those goals.

Mr. MILLER has already talked about the provisions related to the airline industry that is very, very important. He mentioned the fact that we have to help younger workers and lower-wage workers by the refundability, by the savers credit, making permanent, and by dealing with split refunds of taxes. We deal with the fact that Mr. MILLER covered very quickly, which I think is important, that is, encouraging companies to continue their defined benefit pension plans. If we put more and more burdens on companies that are well funded, that are in no danger of going into bankruptcy, these companies are going to freeze their plans, they are going to terminate their plans. Why would they stay around in the defined benefit world if we put more and more restrictions and more onerous funding rules that are unnecessary?

The Miller motion is commonsense and asking us to be very careful on new
requirements that we place on plans that are properly funded, plans that present no danger to the guaranteed fund. We are in danger of losing more and more defined benefit plans which are well managed, where the employees are guaranteed a certain annuity payment. And we want legislation to be responsible for the termination of more plans.

I would urge my colleagues to support this motion. I would urge my colleagues to make sure that in the pension legislation that comes out of conference, that we have legislation that, yes, we will protect our workers, and, yes, we will protect the guaranteed fund, but we will also make it easier for companies to maintain and expand pension plans for their employees. That is the best way that we can help provide security for all Americans on their retirement. I urge my colleagues to support the motion.

The SPEAKER pro tempore. The reservation is withdrawn.

Mr. GEORGE MILLER of California. Mr. Speaker, I recognize the gentleman from Massachusetts (Mr. TIERNY) for 3 minutes.

Mr. TIERNY. Mr. Speaker, this is yet another example of the government under this majority in the House, and the Senate and the Republican White House of failing to live up to its role to protect the American people from circumstances that they are facing.

We have troops over in Afghanistan and Iraq that are not protected in the manner in which they should be protected. We have people down in Louisiana and Mississippi and other areas affected by the storm, Katrina, who are not getting the attention and the protection that they deserve and their situation warrants.

Here we have the failure of the government to step forward and to protect the American working family, who has paid into pension funds, expected them to be protected, expected something to be there after 20, 25 or 30 years of work and contributing to these funds, only to find out management people, CEOs, walk into bankruptcy court and somehow wipe out the workers’ interest while they end up with golden parachutes and protection for benefits once they come out of bankruptcy.

Mr. Speaker, Mr. MILLER and I and others have been fighting this issue for the working people for some time. In committee we offered an amendment that would allow the Pension Benefit Guaranty Corporation, that corporation, an entity which would protect workers. We wanted that to intervene earlier to be able to work with companies to make sure that they first exhausted all of their possible remedies by permitting them to terminate plans and go into bankruptcy only after they had done that.

We presented a substitute for this bill, but we weren’t allowed to have a vote on it. Our colleagues in the majority, I think, speculate or were afraid that Members of their party would have joined in this motion, because it would have improved the bill. Companies should first have to exhaust every possible remedy to create financing and be creative in order to save and restructure. And only then are they allowed to go into bankruptcy court and wipe them out while enhancing the position of the CEOs and other management people.

The motion would also make permanent the Saver Tax Credit, urging Congress to accept the House provision for the Saver Credit, that matches contribution for low- and moderate-income workers, and make sure that that provision, which is used now by 5.3 million people both in 2002 and 2003, to continue on, and support the House provisions to split the tax refund for automatic forwarding to a retirement account and to provide for the protection of traditional plans, dropping new funding provisions in either the House or Senate bill that would encourage companies to terminate or freeze.

Mr. Speaker, all those things are necessary to improve this bill, and I ask for support for the Miller amendment.

Mr. McKEON. Mr. Speaker, I yield such time as he may consume to the chairman for Select Revenue from the Ways and Means Committee, the gentleman from Michigan (Mr. CAMP).

Mr. CAMP of Michigan. Mr. Speaker, I thank the chairman for yielding, and I would oppose this action.

This motion takes some parts of our tax agenda and says they are important, like the savers credit, the direct payments of tax refunds to IRAs, but ignores so many other parts of our bill that are critical, like the permanency of the pension and IRA provisions, many of which were in the Portman-Cardin legislation which this House has debated long before. I noticed Mr. CARDIN was here earlier, and long-term care insurance, which is a critical issue for many of my friends on the other side are vitally interested in as well. So this motion to instruct Congress to agree is really incomplete, and I

We are fighting here, Mr. Speaker, to protect the retirement security of American families. We are protecting benefits of airline employees and seeking to encourage retirement savings.

Both the Congressional Budget Office and the Pension Benefit Guaranty Corporation say that H.R. 2830 would actually add to the Pension Benefit Guaranty Corporation’s deficit. They say the bill would actually chase companies out of the defined benefit system, that traditional benefit system that people have come to rely on, and it would leave workers with fewer choices when it comes to their plans for retirement that they have now.

This motion to instruct Congress would at least address some of those issues, Mr. Speaker. It would protect the pension benefits of airline employees by asking to support the Senate provision, to keep American and Continental and Delta and Northwest from terminating their plans at the expense of employees and taxpayers, giving them additional time to actually work on their plans.

It would support Senate provision to provide full Pension Benefit Guaranty Corporation retirement protections for pilots who are forced to retire at age 60. As Mr. MILLER says, they are guaranteed a certain annuity payment, and they should not have to face that situation.

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Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS), a member of the committee. (Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Speaker, I thank my friend for yielding, and I rise in support of this motion.

This motion asks the Members three questions. The first question is whether we should take the position that before any pension plans or companies that are in real trouble terminate their pension plans, whether those companies should be required to take every reasonable step prior to that termination; whether we should be able to put those companies in a position where they can stretch out their payments to the pension plan, look for other ways they can fund the pension plan, and meet their pension obligations to their retirees?

I would suggest, Mr. Speaker, the answer is yes, we should require that the law do that, which is why this motion takes the right course.

The second question that this motion asks is with respect to healthy pension plans. Should it be the principles of the new law that we should operate with care and avoid new funding requirements on those healthy pension plans which are more likely to push them into trouble? I would suggest that the answer is yes, we should. The guiding principle, as the conference proceeds in writing this new law, should be to first do no harm to the healthy defined benefit plans that exist. So I think this motion correctly answers that question and follows the right path.

Finally, this motion raises the question as to whether we should let that credit expire. We think the answer is no, we shouldn’t let that credit expire, it should be permanently enshrined into law.

So I think those are three eminently reasonable questions that we should encourage airlines not to terminate their plans if there is a reasonable and viable alternative; we should go to well-funded healthy plans and do no harm to them as we write new rules about funding pension plans; and, finally, we should keep some very useful provision, supported by both the Republican and Democratic parties, that more than 5 million Americans have used, and keep it in the law.

For these reasons, I would urge my colleagues to vote “yes” on the Miller motion.

Mr. MCKEON. Mr. Speaker, I yield such time as he may consume to the chairman of the Ways and Means Committee, the gentleman from California (Mr. THOMAS).

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

Mr. THOMAS. Mr. Speaker, I would feel a little bit better about this debate if it were being carried on in October or November and we had a chance to actually make some permanent changes in pension law prior to the first of the year. We are now in March. Frankly, we have been very lucky that the real world hasn’t presented a way that would make our job even that much more difficult.

The gentleman from New Jersey, in his usually scholarly fashion, has laid out what we ought to do. I would like to remind the gentleman that the House bill contains the Savers Credit. We put it in. We obviously support the Savers Credit. Why there is a need now to reaffirm the fact that we support the Savers Credit is beyond me. The House has voted for it. It is the House position. Do you need to then put another nail in it?

But, interestingly, you only mentioned that. You didn’t mention the other really good provisions that are in there. I think they all should be given equal weight and we should support it.

In terms of the airlines, the House bill is silent on airlines. I think that is, frankly, the smartest position we should be in. Do you think that based on this direction from the gentleman from Michigan’s statement, that we aren’t vitally concerned about airlines? I think what we ought not to do is to begin drawing lines in the sand. And, by the way, they aren’t even lines in the sand, because this particular bill has no bearing of any meaning to the conferees. It is basically a political statement on the part of the minority in which they wish to select certain provisions and highlight those over others.

You have every right to offer it, we should reject it. Let us get on to the conference and do what we have to do to make large, unexpected contributions to make large, unexpected contributions to pension plans while lessening the burden on those healthy plans.

Mr. LEVIN. Mr. Speaker, contrary to what the chairman said, this isn’t a partisan game-playing. This is not partisan-ship. This is a plea for serious attention to a real problem on a bipartisan basis.

Yesterday, General Motors announced that it will freeze its guaranteed benefit pension plan for salaried employees and replace it with a defined contribution plan in which employees take the risk.

This is what we are saying in part four of our motion: If the conferees follow the course that is in the House and Senate bills, there will be far more announcements like GM’s in the future.

The changes in both the House and Senate bills would dramatically increase the chances of companies having to make large, unexpected contributions by making pension funding more volatile, the risk that GM, struggling with manufacturing challenges the U.S. Government has failed to consider, decided it could not afford. It would mean companies facing challenges even less serious than General Motors’ will make the same decision GM did. In a survey, 60 percent of
chief investment officers for large pension plans said that changes like those in the House and Senate bills would lead them to cut benefits or freeze or terminate their pension plans. Despite our repeated requests, the administration has failed to tell how their proposals would affect specific industries.

Our motion includes a critical proviso instructing conferees to drop those provisions which would encourage healthy companies to freeze or terminate their pension plans. Those provisions include the shift to a yield curve, take away what is called smoothing, classifying companies as at-risk based on credit ratings, as in the Senate bill, and provisions regarding advanced funding.

Look, we are putting our motion forward for a simple reason: If your goal is to force employees to terminate their pension plans, leaving their workers on their own to face a risky and uncertain future, vote against the motion. But if your goal is to preserve the defined benefit pension system for workers, as well as the continued competitiveness of the companies they work for, do in fact vote for this motion to instruct.

Mr. GEORGE MILLER of California.

Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH and was given permission to revise and extend his remarks.

Mr. KUCINICH. Mr. Speaker, I have heard from hundreds of workers about H.R. 2830. Over 400 UAW members called my office to express their concerns about 2830 as it has been reported out of committee.

I was not alone in hearing from concerned workers. Workers from across America called congressional offices and asked for protection for their pension benefits.

Now, my vote in favor of the Pension Protection Act in December was cast to codify the improvements negotiated by auto workers and to enable the steel workers to press for further improvements in the conference committee. I have some hope there is a process for making additional improvements. But my vote was conditioned on the expectation that the bill would be substantially improved in the conference committee. I will need to see significant further improvements before voting again.

There are still some serious problems with H.R. 2830, and these problems must be addressed to ensure that all workers’ pensions are protected. One such problem, which I hope will be fixed in the conference committee, concerns the rules affecting plant shutdown benefits for companies with small numbers of facilities.

The rules failed to tell us how their proposals would affect specific industries in the event of the shutdown of a facility. The workers, of course, would be the ultimate bearers of the burden, since older workers would lose the shutdown benefits that enable them to fully vest in the event of a plant shutdown.

Mr. Speaker, I encourage the conferees to adopt further shutdown benefits, that I mentioned that we should also address the issue of cash balance plans. This bill does a great disservice to older workers by denying the reality that conversions from traditional defined benefit plans to cash balance plans hurt workers. A report released in early November by the GAO found that a majority of older workers experienced deep cuts in their pension when converted from a traditional plan to a cash balance plan, without transition protection. This is not only unfair, it is wrong.

Providing transition protection for older workers should not be a choice for employers, but a requirement, and any change in plans of the sort the accrued benefits of employees, and the conference report should reflect that reality.

Finally, I strongly support a proviso to help airlines avoid terminating their pension plans by giving them additional time to fund their workers’ plans. Section 403 of Senate bill 1783 will give airlines the time they need to meet their pension obligations, and that is a good provision, and we ought to support that. You know, there will not be any bankruptcy movements because of pensions. There will not be any dumping of pension obligations on the PBGC, and there will not be any jettisoning of obligations to workers who have worked a lifetime and expect their pension benefits. And that kind of a provision will serve the workers and the American taxpayers.

I want to say that we have an obligation here to America’s retirees to support full PBGC retirement protection for pilots who are forced to retire at age 60. Workers should not be punished for retiring at the age of 60 when safety regulations require them to stop flying. One hence are waiting to see if we care for those who have put in their time. They deserve their security.

This Congress has an obligation to America’s retirees. We see corporations all over the country trying to throw their obligations onto the Pension Benefit Guaranty Corporation, but when we have some companies that are trying to do the right thing, as we do with the Senate provision that recognizes that American Airlines is trying to do the right thing, then we should provide them with the help that they need to meet their pension obligations.

This is a moment of truth for this Congress. Is the commitment true to our commitment to the American workers? Are we going to say to people who worked a lifetime, deserve the commitment that corporations made to them, that they are going to get the pension that they spent their lifetime for?

There are a lot of people who are watching this debate, asking if Congress is going to do the right thing. I strongly support Mr. MILLER’s work here, and I hope this Congress will agree with this legislation.

Mr. GEORGE MILLER of California.

Mr. Speaker, I yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY), a member of the Ways and Means Committee.

Mr. POMEROY. Mr. Speaker, pensions are being frozen every day. Workers are having their retirement benefits reduced, yet the administration supports proposals which will dramatically accelerate the freezing of pensions.

When I asked the Department of Labor how many pensions will be frozen as a result of their proposals, they could not answer. They said they had not even modeled or considered the implication.

Well, the CFOs of the Nation have considered it, and a gathering of them have said these proposals will have long-term consequences for current and future workers, with the potential to damage the retirement security of millions of Americans. Indeed this same group estimates 60 percent of existing pension plans may be frozen. That is why the bill looks like 29,700 pension plans in force, 17,800 of them to be frozen under the 60 percent proposal. The Administration has not considered that.

That is why the motion to recommit is so important. We say that fully funded pension plans should not face dramatically severe additional funding requirements, they are already fully funded. Why would you want to punish employers who have funded pension plans? One very clear reason: to end pensions. And that is really what is at stake. They want to move from a defined benefit pension guarantee to defined contribution 401(k)s. It is as simple as that.

We should resist that. Pensions ensure that the risk of participating is universal. The workers participate. They ensure that the risk of investing is handled collectively. They ensure that you are not going to outlive your assets in retirement. That is what pensions provide. That is why we should be able to agree on a bipartisan basis to continue these pensions.

But yet just last week at the Nation’s Saver’s Summit, I heard a commentator on television say that the 401(k) to pensions. Why, was asked? Because it is part of the ownership society.

Oh, we get it. You own your risk. You own your risk of investing appropriately. And you own the risk that you are not going to outlive the assets as you live on to retirement years.

We ought to be doing everything we can to keep workers’ pensions. We all ought to feel some failure when we read, like today’s headlines, GM to cut retirement costs, following, as the article notes, not just troubled companies, but healthy as well. Verizon, IBM, Motorola, the trend continues and will be
accelerated dramatically by this bill which seeks to push all of the Nation's pension plans into termination in favor of 401(k)s.

Pass this motion to recommit.

Mr. GEORGE MILLER of California. Mr. Speaker, I have no further requests for speakers. I believe I have the right to close. Is that correct?

The SPEAKER pro tempore (Mr. TERRY). The gentleman is correct.

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

Mr. Speaker, we have no further speakers either. You know, it has been decades since we have had real, meaningful pension reform. And we could sit here and we could talk. It kind of reminds me of fiddling while Rome burned.

I think the time to move is now. We passed the bill with 294 Members of our House voting for it. Now it is time to go to conference, meet with the other body, but this resolved so we can help all of these people that we are all talking about.

I would ask that my colleagues reject this motion to instruct, and we get on with the business of the conference.

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

Mr. GEORGE MILLER of California. I yield myself such time as I may consume.

Mr. Speaker, Members, this is a very straightforward proposition. This is about whether or not this House of Representatives will go on record to try and give the airlines the ability, the time, and the means by which they may treat their employees better by holding onto their current pension plans; whether they freeze them or they take some other action in conjunction with their employees so that their employees will not be thrown for the loss that the United employees saw when that company decided that it would go into bankruptcy those employees' pension plans that devastated those employees, the United employees, and devastated their families.

Why are we doing this on this legislation? Because it is very interesting, through the course of this legislation during the consideration in the committee and on the floor, we could never quite get this resolved so we can help all of these people that we are all talking about.

This is presented as some great pension reform. It really does little or nothing to forestall the trend that we now see developing in terms of the termination of pension plans and people losing their retirement nest eggs and to the pension plans that they are currently in.

This is presented as some great pension reform. It really does little or nothing to forestall the trend that we now see developing in terms of the termination of pension plans and people losing their retirement nest eggs. Mr. Speaker, I would urge the House to support the motion to instruct.

The SPEAKER pro tempore. Without objection, the question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California (Mr. GEORGE MILLER). The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

Providing for further consideration of H.R. 4167, national uniformity for food act of 2005

Mr. GINGREY, Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 710 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. R.S. 710
Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 4167) to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety regulations and for other purposes. No further general debate shall be in order. The bill shall be considered as read. The bill shall be considered for amendment under the previous question rule. Notwithstanding clause 11 of rule XVIII, no amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered (Mr. Read, shall be determinable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against amendments are hereby waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion, if exceptions motion to recommit with or without instructions.

Mr. GINGREY (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), 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. GINGREY (asked and was given permission to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, House Resolution 710 provides for further consideration of the bill under a structured rule. Having discussed last week on general debate, it provides that no further general debate shall be in order, it makes in order only those amendments that are printed in the report, it provides that the amendments printed in the report are offered only in the order that they are printed in the report, may be offered only by a Member designated in the report, and shall be considered as read, shall be determinable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The receipt of all pages of order against the amendments printed in the report and provides one motion to recommit with or without instructions.
Mr. Speaker, I rise in support of House Resolution 710 and the underlying bill, H.R. 4167, the National Food Uniformity Act of 2005.

Mr. Speaker, today the House will re-

consider some consideration of the National Food Uniformity Act of 2005 after having conducted general debate on the overall bill last Thursday, and this rule will allow us to move forward with the consideration of several amendments, most which are Democratic-sponsored amendments.

As mentioned last week, currently food regulation is composed of a variety of different and sometimes inconsis-
tent State requirements. Collectively, this hodgepodge of regulations not only inhibits interstate commerce, but also drives up the cost for consumers.

Mr. Speaker, these different regula-
tions from State to State for the same product create too many unnecessary costs and they jeopardize the safety of consumers nationwide. Make no mistake, businesses cannot simply and completely absorb these unnecessary and additional costs, and there-fore the consumers across this Nation, they are the ones who absorb the ex-

penses of overlapping inconsistencies.

Without question, lower-income citi-

zens truly feel the brunt of any addi-
tional cost to their food bill. Feeding
eone's family is not optional, and there-
fore any reduction to the cost of food will lower the cost of food products and help to ensure food on every table re-
gardless of income.

Additionally, Mr. Speaker, this bill is not designed to deprive the public of life- or health-saving knowledge but, rather, to ensure that all consumers regard-
less of geography have this knowl-
edge. If the Department of Health, as an example, in New York learns that a candy bar a day can give you tooth decay, then the citizens of Georgia as well as the citizens from each and every State should have access to that same knowledge through the FDA. This simply makes sense and has the potential to prevent future illnesses and save lives.

Further, while I have already spoken at length about the overall benefits of this bill, I would like to discuss one particular criticism made by the oppo-

nents. I have heard some say this bill is an assault on States rights. Well, I am an ardent supporter of States rights and apply their own lower standards and apply their own lower standards even without the FDA. But that is not what this bill will do. Most States already give their citizens much more information about the food than the Food and Drug Administra-
tion even requires. In fact, eighty percent of the food safety work performed in the United States is done by State and local officials. They are the ones with the expertise, the on-the-ground expe-

rience, and are needed to keep con-
sumers safe, and they have been doing a good job. But this law will allow the FDA to invalidate State labeling laws and apply their own lower standards nationwide.

Listen, mothers, this is important. The consequences of this bill are going to be drastic. Within a matter of months, 200 State food safety laws will be wiped off the books. Will they be the ones that protect your child from an asthma attack or from dyes that would hurt them?

The experienced State health officials who want their regulations back are going to have to come, hat in hand, to the FDA and ask for permission to give their States more information than the Federal Government requires, which is absurd to me. We have to plead with the FDA bureaucrats to keep the food safety laws in place, laws that their own legislatures and citizens have already established. In other words, they would have to seek approval from an agency that does not keep us safe anymore, an agency that cannot meet its current workload, and that, as we all know, has been in the business of approving drugs that turned out to be killing people and had to be removed from the market.

Now, I grew up believing that the FDA took care of me. And that was a lot like believing in the Tooth Fairy and Santa Claus, because if I have learned one thing in the last 5 years, it is that the FDA cannot suddenly the party of States' rights and small government wants to forget about both. Instead, it wants to send quality State regulations that are protect-
ing Americans into a bureaucratic backwater.

Mr. Speaker, the people and organi-

zations most concerned about the safety of our Nation's food stand in strong opposition to this bill. Attorneys Gen-

eral and public health and safety offi-
cials from all over the United States, in fact most of them, have come out against it and begged us not to pass it. In fact, the Association of Food and Drug Officials recently wrote a letter to the Representa-
tive who sponsored this bill, asking him to reconsider his own legislation.

He said, "Members of the AFDO are State and local governments with no profit motive." That is the key here. These people have no profit motive, merely a public health concern, who feel strongly that this bill will gravely impair State and local authori-
ties' ability to protect their constitu-
ts.

Mr. Speaker, that letter is as follows:

THE NATIONAL ASSOCIATION OF STATE DEPARTMENTS OF AGRICULTURE,

Washington, DC, February 27, 2006.

DEAR MEMBERS OF CONGRESS: The National Association of State Departments of Agri-
culture (NASDA) is writing to reiterate our concern and strong opposition to H.R. 4167, the National Food Uniformity Act. NASDA represents the commissioners, secre-
taries and directors of the state departments of agriculture in the fifty states and four ter-
ritories.

The House is scheduled to vote on H.R. 4167 this week and we urge you to oppose this leg-
islation. The state departments of agri-
culture do not want the food safety laws under the Food, Drug and Cosmetics Act. Such additional preemptions would seri-

ously compromise our ability to enact laws and issue rules in numerous areas of food safety. Specifically, we oppose the bill as currently written threatens existing State food safety programs and jeopardizes state/
federal food safety cooperative programs such as those related to Grade A milk, retail food protection and shellfish sanitation.

As you know, the current food safety regulatory system in the United States is the shared responsibility of local, state and federal partners. Approximately 80% of food safety inspections in the nation are completed by a state and local levels. It is imperative that states have the right to act quickly to address local and statewide public health concerns that cannot be anticipated or are not adequately addressed nationally. In addition, our existing food safety system forms the first line of defense against the threat of a terrorist attack against our nation’s food supply. Legislation will undermine the authority of state laws and programs that address adulterated foods, including animal feed, commodity laws and other food defense programs.

NASDA firmly believes the preemption of state and local food safety programs would leave a critical gap in the safety net that protects consumers. We call on Congress to hold hearings to discuss these critical issues and seek full input from state and local partners in the food safety system. NASDA would provide the opportunity to discuss how the way the bill could be amended to achieve its intent while limiting the impact on critical food safety regulatory programs at the local and state levels.

Now is not the time to pass H.R. 4167 and we urge you to oppose this legislation until these important issues are addressed.

Sincerely,

J. CARLTON COURTER III,
President.

As is often the case, the bill before us does not provide just another example of how private interests trumped the public good in today’s Congress. It also shows us how broken and undemocratic our political system has become. No hearings were held on this legislation. No State and no local public health officials were called to testify about it, even though they offered. Both the National Association of State Departments of Agriculture and the Association of Food and Drug Officials were called to testify about it, even though they offered.

The SPEAKER pro tempore. The gentlewoman brought up the issue of Mr. STUPAK’s amendment and the use of carbon monoxide in regard to making meat continue to have a fresh appearance. Carbon monoxide has been used for 4 years in not only meats but other processed foods. It is perfectly safe. There is an herbal food company that has some other process that they use to do the same thing, to make food products. I am wondering right now what the meat industry is afraid of. Why are they trying to ram this piece of legislation through this House?

Now, if we are to have hearings, I may well vote for the bill because I am predisposed that way. It makes sense to me. But I am not for a cover-up, and that is exactly what you get when you have no hearings on legislation.

Last year the majority pledged honest and immediate reform of the way Congress wrote its bills, because when the public caught on to what was going on here, there was a great outcry. And yet here we are, in a new year, doing the very same thing: handing over the public interests to private corporations.

I wish we had an open and democratic process in this House. We do not want to stop passing bills that hold the public interest in contempt, and we need to start today. I urge my colleagues to oppose this bill.

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

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

Mr. Speaker, I want to point out to the gentlewoman in regard to the amendment process, there are six amendments made in order. One, of course, is a manager’s amendment which just makes very technical changes, as everybody knows. So really four out of five of the amendments that the Rules Committee have made in order on this bill are Democratic amendments.

The gentlewoman brought up the issue about Mr. STUPAK’s amendment and the use of carbon monoxide in regard to making meat continue to have a fresh appearance. Carbon monoxide has been used for 4 years in not only meats but other processed foods. It is perfectly safe. There is an herbal food company that has some other process that they use to do the same thing, to make food products. I am wondering right now what the meat industry is afraid of. Why are they trying to ram this piece of legislation through this House?

Now, if we are to have hearings, I may well vote for the bill because I am predisposed that way. It makes sense to me. But I am not for a cover-up, and that is exactly what you get when you have no hearings on legislation.

This body needs to do its job. So I would urge my colleagues and staff who are watching on television, reconsider, even if your boss has cosponsored this bill. Because what are we afraid of? We need hearings on this bill.

The SPEAKER pro tempore. The Chair will remind all Members to direct their remarks to the Chair, not to the television audience.

Mr. GINGREY. Mr. Speaker, I yield myself 45 seconds just in response to the gentleman from Tennessee.

The gentleman acknowledged, Mr. Speaker, that he is concerned about the bill and his amendment will vote to support the bill. I know he has some concerns over process, but he used the phrase “coverup,” and I noticed the gentleman is very intelligent. If there were any coverup involved in this bill, he certainly would not have his name attached to it, nor would he be acknowledging that he would probably support it.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I rise today in strong opposition to H.R. 4167, the National Food Uniformity for Food Act, and the rule under which this bill is being considered. If passed, this bill will be a huge setback to consumer safety, public health, and America’s war on terror.

This bill voids out 200 food safety laws and puts our Nation’s food supply squarely in the hands of the FDA. State laws that will be overturned include warnings regarding the risk of cancer, birth defects, reproductive harm, and allergic reactions associated with sulfating agents in bulk foods. That is why 37 bipartisan State attorneys general and the Association of State Food and Drug Officials oppose this legislation.

The bill would also prevent States from passing laws regarding the safety of packaged meat.

Mr. Speaker, I would like to direct your attention to these pictures. Which meat do you think is older, the red meat on the back or the red meat on the bottom? Both are the same age. Both have been sitting in a refrigerator side by side for 5 months.

The meat on the top has been packaged with carbon monoxide, which causes the meat to look red and fresh long into the future. The meat on the bottom has not. It is brown and slimy. Like I said, the meat on the top is 5 months old and looks as good as new, but it is not. If consumed, you could wind up severely ill or some pathogen like e. coli and possibly die.

The FDA, without any independent studies, states it has “no objection” to allowing meat to be packaged in carbon monoxide. The FDA merely reviewed the meat industry carbon monoxide proposal. Review is not the same as independent research and studies.

By allowing the injection of carbon monoxide in meat and seafood packaging, the meat industry stands to gain about $1 billion a year because meat, as it turns brown, consumers reject it.

Numerous studies from 1972 through 2003 cite that color is the most important factor that consumers rely on to determine freshness in whether or not to buy the meat. The whole purpose behind this carbon monoxide package is to extend the shelf life of meat and seafood and to deceive the consumer into thinking it is fresh and safe.

Today States may pass their own laws to label meat that has been backed with carbon monoxide, but these laws will be overturned if H.R. 4167 becomes law. My commonsense amendment would have allowed States to...
Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last week it was brought up about the number of organizations that were opposed to this bill. I want to submit for the RECORD at this point a list of 119 from all 50 States that oppose this, small businessmen and women, large businesses, including the H.J. Heinz Company and many, many others.

GROUPS SUPPORTING H.R. 4167—THE NATIONAL FOOD FOR ACT OF 2005


In regard to the gentleman from Michigan who just spoke about the issue regarding the treatment of meats and this issue about carbon monoxide, look, the same thing is done, as an example, in this, on tomatoes. The industry did that without being opposed to the use of lemon juice on apples to keep them from turning brown. That is routinely done.

Let me also point out that the FDA and USDA have both approved the use of carbon monoxide for over 4 years. The news report would lead one to believe that carbon monoxide is being used to mask spoilage, but the USDA discounted that assertion back in 2004. In reality, the story is more of privatization and packaging technology unable to compete with newer competitors that have a better product.

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

Mr. GINGREY. I yield to the gentleman from Michigan.

Mr. STUPAK. Mr. Speaker, as to the gentleman from Maryland (Mr. HOYER). Mr. HOYER asked and was given permission to revise and extend his remarks.

Mr. HOYER. Mr. Speaker, I agree with the gentlewoman and the gentleman from Michigan, but I want to speak about the previous question, which the general public really does not understand.

But if we defeat the previous question, we get an opportunity to offer an amendment to this piece of legislation. Because so few pieces of legislation are approved by this body, we have to take the opportunities you get, and I appreciate that the chairman of the Appropriations Committee Mr. Lewis has stated that he will insert language in the supplemental appropriation bill this afternoon, a supplemental for the war in Iraq and hurricane recovery, that will block the takeover of major American seaports by a Dubai company owned by the United Arab Emirates.

The Appropriations Committee will mark up that supplemental spending bill today, and it may be considered on the House floor next week, but the American people should harbor no illusions. We have absolutely no idea when the other body will take up this spending bill. Moreover, we have no idea of whether the Senate bill will even include a provision that addresses the vital national security issue of who owns our ports.

In fact, just today, Senator STEVENS, who chairs the Defense Appropriations Subcommittee, is quoted as saying, “I believe it ought to go through the 45-day review.” So they are not going to take it up very soon.

Mr. Speaker, every Member of this House has the opportunity right now today to go on record as opposing the management of American seaports by a company owned by a foreign government. Now, it is not owning the seaports, but managing those seaports, which is the issue, and I do not think we should not do so.

We have the opportunity.

If we defeat the previous question, that will be our intent, to offer an
amendment to this bill, send it to the Senate, which will preclude ownership of the management of the ports of America by the Dubai corporation owned by the state. I urge every Member, oppose the previous question on the roll, no continuation of language blocking the port deal.

Furthermore, I urge the American people to not lose sight of the bigger issue. This administration and this Republican Congress have failed to do what is necessary to protect our homeland and our people from attack. Just last week Steven Flynn, a former Commander of the Coast Guard and an expert on homeland security, testified before the House Armed Services Committee, ‘‘My assessment,’’ this is the Commander of the Coast Guard, now retired, ‘‘My assessment is that the security measures that are currently in place do not provide an effective deterrent for a determined terrorist organization or for anyone desiring to target the maritime transportation system to strike at the United States.’’

Five years after the catastrophic attacks of September 11, there is simply no time to delay these continuing vulnerabilities to our national security. Today, by voting ‘‘no’’ on the previous question, we have an opportunity to say no to the management of America’s ports by government-owned entities. Vote ‘‘no’’ on the previous question.

Mr. GINGREY. Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Iowa (Mr. KING), my friend.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Georgia (Mr. GINGREY) and appreciate you yielding me time, and I rise in support of H.R. 4167, the National Uniformity for Food Act and in support of this rule.

Ensuring food safety is a partnership between the Federal Government and the States. However, while it is a partnership, a national food supply requires a national approach to food safety. H.R. 4167 would allow for an orderly review of existing State regulations that may differ from Federal regulations. The legislation carefully balances the need for uniformity, while respecting the important role State and local governments have in making sure our food supply is safe.

Under the current system States may impose contradictory regulations, imposing necessary complexity and cost on food processors, manufacturers and wholesalers throughout the United States. That translates into costs that are passed on to the consumers, not to mention the tax burden, Mr. Speaker, for administration of different and duplicative regulations.

Science-based food warnings should be applied uniformly. If a warning about food is supported by science, then consumers in all 50 States should have the benefit of this warning. Inconsistent warning requirements confuse consumers, which does not lead to sound decisionmaking.

This bill will result in allowing States and the Federal Government to work together in establishing science-based food safety policies. Consumers are not protected well under a system where States adopt different regulatory requirements on the same food products. Consumers deserve a commonsense approach, a clear, single standard.

To speak to an example, a 2002 study conducted by Swedish scientists that provided evidence to support that a substance with cancer-causing properties called acrylamide was formed in some snacks and other foods when fried or baked at very high temperatures, but since 2002 some additional studies have confirmed these results, causing some States to consider warning label requirements for foods containing acrylamide.

Specifically, in August of 2005, the California attorney general filed a lawsuit against several different manufacturers of potato chips and French fries and has requested a court order requiring companies to label certain food products containing acrylamide with a warning of the agent and its cancer-causing properties.

The Food and Drug Administration does not currently require States to place a warning label on products which contain acrylamide after the baking process. Therefore, enactment of H.R. 4167 would, for all practical purposes, prohibit the State of California from requiring food manufacturers to place an acrylamide warning on their products unless the State filed a petition for exemption with the Secretary of Health and Human Services, or unless the FDA decided to set California as a requirement for the country as a whole.

This is a well-balanced bill, Mr. Speaker. It brings good, sound science to the table, and it provides for a regulation and a means for the States to make their case with the FDA so that the entire United States of America can benefit from the wisdom of the Californians.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, after hearing the last speaker on the other side of the aisle, to hear testimony and to make a record, and yet we are told this bill is well balanced.

Let me point out that the proponents of this legislation have said a lot of different things. It has been almost like a covert legislative campaign. They have sent people in from the districts, from some trade association or other, and said to Members, this is a national uniformity bill. It is just going to clarify the law. It is going to require all the States to have the same rules so that we will not have the burden on interstate commerce.

Well, they have never shown there is any burden on interstate commerce. But if it sounds good so many Members cosponsored the bill without fully understanding that this bill is going to overturn 200 State laws that protect our food supply. Why are we doing that? What is broken about our system of federalism that allows the States to pass laws to protect their own people? And now the proponents of this bill want States to come, hat in hand, to the Food and Drug Administration, a wonderful bureaucracy at the Federal level, to beg the people, and that agency will decide whether the State laws can continue in effect? They will have higher power than the States legislatures and Governors?

That is not a well-balanced or well-thought-through piece of legislation. And now we are on the floor arguing a rule that would so severely limit the time for debate on all the amendments and this bill that you have to ask yourself: Why is this going on? What are they trying to do? Yes, they want this bill to be held up to public scrutiny through hearings? And why won’t they let this bill be fully debated on the floor of the House of Representatives? And why do they have to rush this through?

Mr. Speaker, this is the early part of March. We have barely been in session. We have been meeting 2½ days out of each week as we go from recess in January to recess in February to recess in March. Let us have another day. Congress can do its work. We don’t have to rush out to another CODEL or another junket. We ought to do our job and let people come in and tell us what they think of bills and not get steamrolled into something that no one has fully examined and that would repeal State laws. So let us vote against this legislation.

Mr. GINGREY. Mr. Speaker, I yield myself 5 minutes. In response to the gentleman from California, in regard to those 200 State laws that, as he said, protect our food supply, Mr. Speaker, if not most, maybe not all, but
many if not most of those State laws would be incorporated in the national food label that is allowed by the FDA. And in this bill in particular, and I know the gentleman is very familiar with the bill, but let me just read a couple of provisions. The provision allows both exemptions from national uniformity and the adoption of a State requirement as a uniformly adopted national standard, one of those 200 he mentioned, any State may petition the FDA to obtain an exemption from the requirement of national uniformity for a particular requirement. The FDA may grant the exemption if the State or local requirement protects an important public interest that would otherwise be unprotected.

Furthermore, Mr. Speaker, this provision recognizes that special circumstances may justify a warning requirement in a particular State like California, or a locality, even though that provision should not apply throughout the country. Thus, the need for local protection is fully recognized under the legislation.

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

Mr. GINGREY. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Speaker, the problem I have with what you are saying is that a State has to go to the Food and Drug Administration and argue that case, and they may then be allowed to continue their laws. But even if there is no Federal law on the subject, the States may be stopped from enforcing or even legislating in an area to give warnings or set up standards for the safety of the food.

Why should States be required to go to a bureaucratic agency to have permission to do what the Constitution of the United States permits them to do, which is to police powers for the safety and health and well-being of their own citizens? You, particularly from Georgia, ought to appreciate States rights.

Mr. WAXMAN. Mr. Speaker, in your statement, an alliterative description of what you want, I yield 2 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, the standard in this bill is not sound science. The standard is for the FDA to decide if it unduly burdens interstate commerce to allow a State to have its own law. Now, I do not know how the FDA makes those kinds of decisions. They are a scientific agency, but they are going to make one on interstate commerce. Which one will be influenced by the lobbyists, just like this whole process has been influenced by the special interests and the lobbyists that want to keep the States from protecting citizens in those States from unsafe food.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, this bill is just another example of why the people of this country need to fear this Congress and the people who lead it. What this bill does is preempt State laws on food safety.

We have people who come down here to the floor of the House and argue for States rights. Now they present to us a bill which denies States rights; denies the States to protect their citizens by watching the food that they eat. All of those State laws are going to be washed away by this legislation. It is probably even unconstitutional. The Constitution provides the States with the authority to protect its citizens. But we are now hearing from the majority party that they want to pass a law which denies States that right. No longer will they be able to protect their citizens.

Eighty percent of our Nation’s food safety inspection is regulated by State and local entities. As we have heard, there are 200 laws. It has taken us more than 200 years to get those 200 laws in almost 50 States. Those laws protect our people. Now they are going to turn that over to the Food and Drug Administration. The FDA is not adequately protecting the people of our country today with regard to drug safety. The FDA is too close to the pharmaceutical companies. Yet now they are going to pass a bill which stops the States from protecting citizens—whether they are eating in a cafeteria, a lunchroom, a hospital, or some other situation, from a passing law that is going to make certain that the food that they are eating has not gone to cause them to get sick, maybe poison them in some way.

That is what they want to do, have the Federal Government step in here on top of the States, deny the States the right that they have under the Constitution to protect the health and safety of their citizens by passing legislation which preempts all of those State laws. This is a very bad idea and it must be defeated.

The National Uniformity for Food Act is poorly-drafted legislation that would preempt state law on food safety.

From Consumer Union: "This bill would eliminate critical state laws that protect consumer health while leaving in place an inadequate federal system based on the lowest common denominator of protection.

Eighty percent of our nation’s food safety inspection is regulated on the state and local levels.

If enacted, the measure would essentially abrogate at least 200 state laws that build on federal law, as well as state laws that exist in the absence of any federal law, such as state laws on items including shellfish and smoked fish safety, milk, nursing home food, and cafeteria food.

If states wished to continue enforcement of their laws, they would need to petition FDA for permission.

The Congressional Budget Office estimates that the FDA could spend upwards of $100 million over the next five years on those petitions.

The measure would also stop states from creating food labels if they are not identical to federal labels.

The measure is opposed by the National Association of State District Attorneys, the Congressional Humane Society, and Physicians for Social Responsibility, which calls this a “major health threat.”

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

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, in this debate we see the irony of the majority leadership of the House of Representatives in a rather strange way. They are running to get to the door. The provision that has barely been debated and discussed, that is highly controversial, highly technical, and not very well understood by a lot of people. An absolute rush to get to this floor.

Now, this is going to happen, this port deal, if Congress does not act. The President has made that very clear. And many of us believe that we need to get to this floor right now, not later, legislation on this issue so that the majority can work its will. Members on both sides of the aisle have said this is what we need to be doing right now. But there is nothing on the agenda to do anything about that. Nothing. We are going to go off for another recess, and who knows what is going to be negotiated on this deal when we are gone? My sense is this is what our constituents want us to debate and legislate on, the wisdom or lack thereof of this port takeover deal.

We will have an opportunity by voting “no” on moving the previous question to bring to this floor a piece of legislation the American people really do want debated right now; don’t want sent back to committee for further hearings or further consideration.
This is just bizarre. It is bizarre. A piece of legislation that appears to be a solution in search of a problem is rushed to the floor so it can be considered, and something that is acknowledged from coast to coast by both parties in both Chambers as a huge problem is brought to the floor in a half hour. Well, we have a chance to do something about that. Vote "no" on the previous question and make the people's House reflect the people's business.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, on Monday, I was briefed on current security and commerce issues by the executives of the Port of Philadelphia. These men and women operate the world's largest freshwater port and one of the Nation's strategic military seaports.

While there, we discussed the key role the Philadelphia and other U.S. ports play in our national and global economy, the fact that the United States is a major maritime trading nation in the world, and how last year more than 11 million containers, carrying our basic necessities and supplies, came to our Nation's ports and how our seaports account for 75 percent of international maritime trade.

We also talked about how a significant disruption in our port system would be devastating to our economy, causing massive shortages of food, oil, and other vital commodities. Yet despite these facts and despite universal understanding of the urgent need to secure our ports, including a long delay on important port worker ID cards. These failures are outrageous and unacceptable.

So today, my Democratic colleagues and I are calling on Congress to address one of the most immediate national security issues facing our Nation and the American people: the Dubai Ports World deal. Clearly we should take this matter immediately before considering the National Food Uniformity Act, legislation that tramples on our States rights and fails to improve the health of our Nation's food supply.

I urge a "no" vote on the previous question.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 1 1/2 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I think we have so little time to talk about this bill on the House floor, I wanted some of my colleagues to understand what kind of laws we are talking about: State laws dealing with adulterated food, emergency permit controls, unsafe food additives, unsafe color additives, new animal drugs, animal feeds, poisonous ingredients in food. These are laws that have been on the books in the United States for many years. These are laws that have been adopted by the States over the years and they are going to be swept away.

It is so inexplicable to me why we would want to do that. States currently carry out 80 percent of food safety protection. There is no evidence they have been acting irresponsibly or incompetently. And in many cases, the Federal Government has never gotten around to looking at these issues because they have deferred to the States on these things. They will be struck unless the Federal Government allows those State laws to stay in effect and that could mean, even though there is no Federal warning law, for example, that would take its place. We would have no law at the local or State level, or at the Federal level. I guess the purpose of some of this legislation is to keep the public from knowing about the harm that they may be exposed to in food.

Now we are on the floor and a number of others are going to be offering an amendment, the Capps-Stupak-Eshoo-Waxman amendment, that would say that State laws that require notification of substances that may cause cancer and birth defects in reproductive health all throughout the United States. And I hope Members will vote for that amendment and vote against this bill.

Mr. GINGREY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the point is, as we have stated repeatedly in regard to this bill, if a State does appeal to the Federal Government, to the FDA, for a labeling requirement that they have concerns about in their particular State, no matter how long it takes the Federal Government to respond, indeed if they do not respond, then that label requirement will be applicable to that unique problem that that State has recognized.

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

Mr. GINGREY. I yield to the gentleman from California.

Mr. WAXMAN. It gives 180 days for the FDA to act. They do not have the resources to do it, but they can simply say this is a burden on interstate commerce, the State law is gone. It does not mean that the State law stays in effect until the Federal Government establishes a national standard. It could strike the State law and have no national standard to replace it.

Mr. GINGREY. Mr. Speaker, reclaiming my time, it is a 180-day appeal process, but if the Federal Government does not respond, it is my understanding that I will be glad to talk to the gentleman later if he still thinks I am in error in my interpretation of this bill, but I think the point that I made was an accurate statement with regard to that.

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

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

Mr. Speaker, I will be asking for a "no" vote on the previous question, so that I can amend the rule to give the House an opportunity to vote today, up or down, to block the President's plan to turn over our Nation's ports to a government run by the country of Dubai.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. GINGREY). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, my amendment provides that immediately after the House adopts this rule, it will bring up legislation that stops the President from moving forward with his deal to transfer operations at a number of our Nation's busiest ports to a company owned by the United Arab Emirates.

Mr. Speaker, now more than ever, we need to ensure that Congress has a voice in the outcome of this potentially dangerous and secretive deal.

On Monday of this week, Great Britain's highest court refused to consider an objection to the purchase of the British shipping company by Dubai, thus clearing the way for the sale and potential takeover of American ports by this company. Additionally, and many people may not know this, news recently revealed that the contract negotiated by the Bush administration would impact more than just the six ports mentioned in
the initial reports. It would affect at least 22 ports in the United States. The more we learn about the agreement, the worse it gets, and the clock is ticking on this deal and we must not allow more time to go by without taking any action in this body.

Mr. Speaker, I include for the RECORD a listing of ports that make up the 22 ports.

DUBAI DEAL NOW INCLUDES 22 PORTS

WASHINGTON.—The $6.8 billion deal British court-ordered today putting a Dubai-owned company in charge of significant operations at six U.S. ports, also gives the company a lesser role in other dockside activities in some capacity after purchasing London-based Peninsular and Oriental Steam Navigation, DP World bought the publicly traded British firm’s concessions to manage and operate some cargo or passenger terminal facilities in New York, New Jersey, Baltimore, New Orleans, Miami and Philadelphia.

The Department of Homeland Security has said DP World would only operate and manage specific, individual terminals located within six ports. Homeland Security says DP World would only operate and manage one of Philadelphia’s five terminals, not including the port’s single cruise ship terminal.

Last week, DP World formally submitted to an independent security examination by the Bush administration over the ports deal. Among the new cities included in the deal are Camden, N.J. and Wilmington, Del. Here is a list of all U.S. ports affected by the pending sale of London-based Peninsular & Oriental Steam Navigation Co. to Dubai-owned DP World:

- BALTIMORE: Would manage and operate two of the port’s 14 terminals.
- BATON ROUGE, LA: DP would run some stevedoring operations at port’s general cargo dock.
- BEAUMONT, TEXAS: Would run one of about six stevedoring operations.
- BOSTON: Operate Black Falcon Cruise Terminal with Massachusetts Port Authority; would run stevedoring operations at the Moran Automobile Terminal.
- CORPUS CHRISTI, TEXAS: Operate some stevedoring operations, part of joint venture, DIX-Fairway.
- DAVISVILLE, R.I: Run some stevedoring operations.
- FREEPORT, TEXAS: Run some stevedoring operations.
- GULFPORT, MISS: Would become one of two stevedoring companies.
- HOUSTON: Work with stevedoring contractors at three of port’s 12 terminals.
- LAKE CHARLES, LA: Operate some stevedoring operations.
- MIA: Operate/manage with ELLER & Company Inc., one of three terminals; doesn’t include Miami’s seven cruise ship terminals.
- NEWARK: Operate and manage one of the port’s four terminals.
- NEW ORLEANS: Manage and operate two of the port’s five terminals and doesn’t include chemical-plant terminals along the Mississippi River.
- NEW YORK: Manage and operate the New York Cruise Terminal.
- NORFOLK, VA: Involved with stevedoring activities at all five port terminals and would not manage any of the terminals.
- PORT ARTHUR, TEXAS: Operate as one of three stevedoring companies.
- PORTLAND, MAINE: Operate as one of stevedoring companies serving Portland’s terminals and take over crane maintenance at one terminal.
- TAMPA, FLA: Operate/manage terminals under pending contract negotiated Feb. 21; Port Authority considers deal if DP World deal is finalized; also provide some stevedoring services.
- WILMINGTON, DEL: Run some stevedoring operations as part owners Delaware River Stevedores, one of two stevedoring companies at the port.

Mr. Speaker, I urge all Members to vote “no” on the previous question and vote with this matter which has an urgent effect everyone in this country.

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

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

Mr. Speaker, I will draw this debate to a close so we can move forward with consideration of the amendments to H.R. 4167.

This bill should receive wide and bipartisan support because it does ensure everyone has access to the same food labeling information. Why would we want to deprive anyone of life- or health-saving information while driving down the cost of products for all consumers?

Mr. Speaker, as I have previously mentioned, there is no reason, nor is there any excuse to allow regulatory inconsistency to drive up cost and keep some consumers in the dark on matters that may affect their health.

As a physician Member of Congress, I have been and will remain committed to supporting legislation that will prevent illness and save lives.

Mr. Speaker, let me conclude my remarks by reminding my colleagues of the previous question that the other side of the aisle is talking about, in fact used probably half of their allotted time to discuss. This is an exercise in futility because the minority wants to offer an amendment that goes out of order, as they know, as nongermane. So the vote is totally without substance.

The leadership of this House has already committed to bring forward legislation any week in regard to this very sensitive issue that we share on both sides of the aisle regarding port security. The previous question vote itself is simply a procedural motion to close debate on this rule and proceed to a vote on its adoption. The vote has no substantive policy implications whatsoever.

Mr. Speaker, at this point I include for the RECORD an explanation of the previous question.

The Previous Question Vote: What Does It Mean?

House Rule XIX (‘‘Previous Question’’) provides in part that:

There shall be a motion for the previous question. The previous question may be moved following the one hour of debate allowed for under House Rules.

The vote on the previous question is simply a procedural vote on whether to proceed to a direct vote on adopting the resolution that sets the ground rules for debate and amendment on the legislation it would make in order. Therefore, the previous question has no substantive legislative or policy implications whatsoever.

In closing, I want to encourage my colleagues on both sides of the aisle to support the rule, and let us move forward with debate on several thoughtful amendments from both parties and ultimately supporting the underlying bill.

The material previously referred to by Mr. SLAUGHTER is as follows:

Previous Question Statement on H. Res. 710

2ND RULE PROVIDING FOR CONSIDERATION OF AMENDMENTS TO H.R. 4167

At the end of the resolution add the following new sections:

SEC. 2. Immediately upon the adoption of this resolution it shall be in order to introduce any legislation or otherwise consider in the House a bill consisting of the text specified in Section 3. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) 60 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services; and (2) one motion to recommit with or without reservations.

SEC. 3. The text referred to in section 2 is as follows:

None of the funds made available in this Act or any other Act may be used to take any action under section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) or any other provision of law to approve or allow the acquisition of any leases, contracts, rights, or other obligations of P&O Ports by Dubai Ports World or any other legal entity affiliated with or controlled by Dubai Ports World.

(b) Notwithstanding any other provision of law or any prior action or decision by or on behalf of the President, as provided in section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170), the acquisition of any leases, contracts, rights, or other obligations of P&O Ports by Dubai Ports World or any other legal entity affiliated with or controlled by Dubai Ports World is hereby prohibited and shall have no effect.

(c) The limitation in subsection (a) and the prohibition in subsection (b) applies with respect to the acquisition of any leases, contracts, rights, or other obligations on or after January 1, 2006.

(d) In this section:

(1) The term ‘‘P&O Ports’’ means P&O Ports, North America, a United States subsidiary of the Peninsular and Oriental Steam Navigation Company, a company that is a national of the United Kingdom.

(2) The term ‘‘Dubai Ports World’’ means Dubai Ports World, a company that is partly owned and controlled by the Government of the United Arab Emirates.

(Vote on the Previous Question: What It Really Means)

This vote, the vote on whether to order the previous question on a special rule, is not
Mr. SLAUGHTER. 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 PREVIOUS SPEAKER tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on H. Res. 710 will be followed by 5-minute votes on adoption of H. Res. 710, if ordered; motion to instruct on H. Res. 4192; motion to suspend the rules on H. Res. 1192; motion to suspend the rules on H. Res. 673; and motion to suspend the rules on H. Res. 3905.

The vote was taken by electronic device, and there were—yeas 223, nays 198, not voting 11, as follows:

Yeas—223

NAYS—198

Mr. Speaker. I yield back the balance of my time, and I move the previous question on the resolution.
Mr. SCHMIDT. Mr. Speaker, on rollo Min. 21, legislative bills failed to go off in my office. I came to the floor as soon as I was notified of the vote, but arrived after the vote was closed. Had I been present, I would have voted "yea."

The SPEAKER pro tempore (Mr. GUTENBERG). The question is on the resolution. The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 2830, PENSION PROTECTION ACT OF 2005

MOTION TO INSTRUCT OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The SPEAKER pro tempore. The pending business is the vote on the motion to instruct on H.R. 2830 offered by the gentleman from California (Mr. GEORGE MILLER) on which the yeas and nays are ordered.

The Clerk will designate the motion.

The Clerk redesignated the motion. The SPEAKER pro tempore. The question is on the motion to instruct. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 265, nays 158, not voting 9, as follows:

[Roll No. 22]

YEAS—265

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill was passed. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:
Mrs. CAPPS, Mr. Speaker, on rollcall No. 23, had I been present, I would have voted "yea."

EXTENDING NORMAL TRADE RELATIONS TREATMENT TO UKRAINE

The SPEAKER pro tempore (Mr. GUTKNECHT). The pending business is the question of suspending the rules and passing the bill, H.R. 1053, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 1053, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 2, answered “present” 3, not voting 10, as follows:

[Roll No. 24]
So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

**FINANCIAL SERVICES REGULATORY RELIEF ACT OF 2005**

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the bill, H.R. 3505, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the bill, H.R. 3505, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 10, as follows:

**ROLL CALL NO. 26**

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. NORWOOD. Mr. Speaker, though I was absent on Wednesday, March 8, 2006 for personal reasons, I wish to have my intended votes recorded in the Congressional Record for the following series:

Roll call vote 21 on the previous question for H.R. 710—“aye”; roll call vote 22 on the motion to instruct conferees on H.R. 2830—“no”; roll call vote 23 on H.R. 4192—“aye”; roll call vote 24 on H.R. 1053—“aye”; roll call vote 25 on H.R. Res. 673—“aye”; roll call vote 26 on H.R. 3505—“aye.”

PERSONAL EXPLANATION

Mr. HERGER. Mr. Speaker, on roll call Nos. 25 and 26 I was unavoidably detained meeting with constituents. Had I been present I would have voted “yea.”

APPOINTMENT OF CONFEREES ON H.R. 2830, PENSION PROTECTION ACT OF 2005

The SPEAKER pro tempore (Mr. GUTENKNECHT). Without objection, the Chair appoints the following conferees on H.R. 2830:

From the Committee on Education and the Workforce, for consideration of the House bill and the Senate amendment thereto, and modifications committed to conference: Messrs. McKeon, Sam Johnson of Texas, Kline, Tiberi, George Miller of California, Payne, and Andrews.

From the Committee on Ways and Means, for consideration of the House bill and the Senate amendment thereto, and modifications committed to conference: Messrs. Thomas, Camp of Michigan, and Rangel.

For consideration of the House bill and the Senate amendment thereto, and modifications committed to conference: Mr. BOEHNER.

There was no objection.

GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1053, H. Res. 673, and H.R. 4167.

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

There was no objection.

NATIONAL UNIFORMITY FOR FOOD ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 710 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4167.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Thursday, March 2, 2006, all time for general debate pursuant to House Resolution 702 had expired.

Pursuant to House Resolution 710, no further general debate shall be in order and the bill is considered read for amendment under the 5-minute rule.

The text of the bill is as follows:

H.R. 4167

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Uniformity for Food Act of 2005”.

SEC. 2. NATIONAL UNIFORMITY FOR FOOD.

(a) NATIONAL UNIFORMITY.—Section 403(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(a)) is amended—

(1) in paragraph (4), by striking “or” at the end;

(2) in paragraph (5), by striking the period and inserting “;”;

(3) by inserting after paragraph (5) the following:

“(6) any requirement for a food described in section 402(a)(1), 402(a)(2), 402(a)(6), 402(a)(7), 402(c), 404, 406, 409, 512, or 721(a), that is not identical to the requirement of such section; and”;

and by adding at the end the following: “For purposes of paragraphs (6) and section 405B, the term ‘identical’ means that the language under the laws of a State or political subdivision of a State is substantially the same language as the comparable provision under this Act and that any differences in language and the Workforce, for consideration of the House bill and the Senate amendment thereto, and modifications committed to conference: Messrs. McKeon, Sam Johnson of Texas, Kline, Tiberi, George Miller of California, Payne, and Andrews.

From the Committee on Ways and Means, for consideration of the House bill and the Senate amendment thereto, and modifications committed to conference: Messrs. Thomas, Camp of Michigan, and Rangel.

For consideration of the House bill and the Senate amendment thereto, and modifications committed to conference: Mr. BOEHNER.

There was no objection.
SEC. 403B. UNIFORMITY IN FOOD SAFETY WARNING NOTIFICATION REQUIREMENTS.

(a) UNIFORMITY REQUIREMENTS.—

(1) IN GENERAL.—Except as provided in subsections (c) and (d), no State or political subdivision of a State may, directly or indirectly, impose, for such a requirement that involves a notification requirement—

(A) a mandatory disclosure requirement prescribed under the authority of this Act; or

(B) a State statutory requirement identified in subparagraph (A) as a requirement prescribed under the authority of this Act.

(b) REVIEW OF EXISTING STATE REQUIREMENTS.—

(1) EXISTING STATE REQUIREMENTS; DEFERRAL.—Any requirement that—

(A)(i) is a State notification requirement that involves the labeling of a food component and that provides for a warning described in subsection (a) that does not meet the uniformity requirement specified in clause (ii); or

(B)(i) is a State food safety requirement prescribed in section 403A(6) that does not meet the uniformity requirement specified in subparagraph (A); or

(ii) is a State food safety requirement described in section 403A(6) that does not meet the uniformity requirement specified in that paragraph; and

(2) STATE PETITIONS.—With respect to a State notification or food safety requirement that is described in paragraph (1), the State may petition the Secretary for an exemption from the requirement.

(c) EXEMPTIONS AND NATIONAL STANDARDS.—

(1) EXEMPTIONS.—Any State may petition the Secretary for an exemption from section 403A(a)(6) or subsection (a), for a requirement of the State or a political subdivision of the State. The Secretary may grant an exemption, under such conditions as the Secretary may impose, for such a requirement that—

(A) protects an important public interest that would be unprotected, in the absence of the exemption;

(B) would not cause any food to be in violation of any applicable requirement or prohibition under Federal law; and

(C) would not unduly burden interstate commerce, balancing the importance of the public interest of the State or political subdivision against the impact on interstate commerce.

(2) NATIONAL STANDARDS.—Any State may petition the Secretary to establish by regulation a national standard respecting any requirement under this Act or the Fair Packaging and Labeling Act (15 U.S.C. 1461 et seq.) relating to the regulation of a food.

(d) ACTION ON PETITIONS.—

(1) PUBLICATION.—Not later than 30 days after receipt of any petition under paragraph (1) or (2), the Secretary shall publish such petition for public comment during a period specified by the Secretary.

(2) TIME PERIODS FOR ACTION.—Not later than 60 days after the end of the period for public comment, the Secretary shall take final agency action on the petition or shall inform the petitioner that the reasons that taking the final agency action is not possible, the date by which the final agency action will be taken, and the final agency action to be taken. In every case, the Secretary shall take final agency action on the petition not later than 120 days after the end of the period for public comment.

(3) JUDICIAL REVIEW.—The failure of the Secretary to comply with any requirement of this subsection shall constitute final agency action for purposes of judicial review. If the court conducting the review determines that the Secretary has failed to comply with the requirement, the court shall order the Secretary to take final agency action for purposes of judicial review.

(g) NO EFFECT ON CERTAIN STATE LAW.—

(1) IN GENERAL.—Nothing in this section shall be construed to modify or otherwise affect the product liability law of any State.

(2) NO EFFECT ON CERTAIN STATE LAW.—

(a) IN GENERAL.—Nothing in this section shall be construed to modify or otherwise affect the product liability law of any State.

(b) TIME PERIODS FOR ACTION.—Not later than 60 days after the end of the period for public comment, the Secretary shall take final agency action on the petition or shall inform the petitioner that the reasons that taking the final agency action is not possible, the date by which the final agency action will be taken, and the final agency action to be taken. In every case, the Secretary shall take final agency action on the petition not later than 120 days after the end of the period for public comment.
‘‘(1) freshness dating, open date labeling, grade labeling, a State inspection stamp, religious dietary labeling, organic or natural designation, returnable bottle labeling, unit pricing, or a statement of geographic origin; or

‘‘(2) a consumer advisory relating to food sanitation that is imposed on a food establishment as recommended by the Secretary, under part 3-4 of the Food Code issued by the Food and Drug Administration and referred to in the notice published at 64 Fed. Reg. 8576 (1999) (or any corresponding similar provision of such a Code).’’

‘‘(h) DEFINITIONS.—In section 403A and this section—

‘‘(1) The term ‘requirement’, used with respect to a Federal action or prohibition, means a mandatory action or prohibition established under this Act or the Fair Packag- ing and Labeling Act (15 U.S.C. 141 et seq.), as appropriate, or by a regulation issued under or by a court order relating to, this Act or the Fair Packaging and Labeling Act, as appropriate.

‘‘(2) The term ‘petition’ means a petition submitted in accordance with the provisions of section 10.30 of title 21, Code of Federal Regulations, containing all data and information relied upon by the petitioner to support an exemption or a national standard.’’.

(c) AMENDMENT.—Section 403A(b) of such Act (21 U.S.C. 343(d)(2)) is amended by adding after and below paragraph (3) the following:

‘‘The requirements of paragraphs (3) and (4) of section 403B shall apply to any such provision of such a Code.’’.

Mr. ETHERIDGE. Mr. Chairman, I rise in strong opposition to H.R. 4167, the National Uniformity for Food Act. This bill puts commer- cial food industry interests ahead of the rights of consumers to be warned about food safety issues.

The National Uniformity for Food Act would preempt all state food safety labeling protections, even if those protections have no effect on interstate commerce. The bill also bars states from creating unique laws and rules to protect their residents from contaminated food, even if the Food and Drug Administra- tion (FDA) has not set standards for those chemicals. For example, the current California requirement for point-of-sale warnings about high mercury levels in certain fish would be eliminated if this bill becomes law.

Mr. STARK. Mr. Chairman, I rise today in strong opposition to H.R. 4167, the National Uniformity for Food Act. This bill punts commer- cial food industry interests ahead of the rights of consumers to be warned about food safety issues.

Ms. SCHAKOWSKY. Mr. Chairman, I rise in strong opposition to H.R. 4167, the National Uniformity for Food Act. H.R. 4167 is common sense legislation that was created to help and protect the American consumer. I urge my colleagues to support this legisla- tion.

Mr. ETHERIDGE. Mr. Chairman, I rise in support of H.R. 4167, the National Uniformity for Food Act of 2005.

As a senior member of the House Agri- culture Committee, and a cosponsor of this legislation, I support H.R. 4167, to establish a uniform system of food safety and labeling re- quirements. This legislation is both timely and necessary for security and consistency in a global food economy. Currently, the United States operates under a labeling standard that continues to vary from state to state, with each state being able to create and enforce their own labeling requirements. This creates uncertainty, confusion, and possible danger to the health and well-being of the consumer; with one state requiring a certain warning label on a product, and another setting a completely different standard.

H.R. 4167 will create a single standard for food nutrition and warning labeling based on the high safety standards that are set by the United States Food and Drug Administration. This will be a national standard that will be ap- plicable to all states. This legislation will con- tinue to allow the FDA to work with states col- laboratively in establishing food safety policies and standards.

I understand the concerns some have raised about H.R. 4167, and I voted for sev- eral amendments to make clear that I support reliable and enforceable food safety and public health. Specifically, the Cardoza amendment requires FDA to expedite state petitions involv- ing a food notification requirement for health effects dealing with cancer, reproductive issues, birth defects, or information to parents or guardians regarding children’s risks from consumption of a certain food. In addition, the Rogers Amendment prohibits H.R. 4167 from taking effect until after the Department of Health and Human Services, in consultation with the De-
and food standards. However, state food safety regulations have protected millions of American consumers and I cannot support legislation that does not put in place any comparable national standards.

Mr. GUTKNECHT. Mr. Chairman, I would like to make two points on the scope of preemption under H.R. 4167, because some confusing and misleading things have been said on this subject. While I have great respect for the Association of Food and Drug Officials, especially for the work its members do at the state level, I would specifically point out that some misunderstandings points the group made in a letter dated January 16th of this year. This letter stated that H.R. 4167 would preempt state laws on food sanitation, including milk sanitation statutes on the books in Minnesota and most other states. This is not the case. The bill we’re considering today would not preempt state food sanitation standards.

H.R. 4167 only provides for federal preemption of certain requirements of the Federal Food, Drug, and Cosmetic Act, or FDCCA, and these are specified in the legislation. If a requirement in the FDCCA is not specified in H.R. 4167, then it will not be preempted by H.R. 4167, and states can establish or maintain requirements that are different from federal ones. This is the case when it comes to sanitation. Again, Mr. Chairman, states would still be able to establish sanitation standards that are not identical to federal sanitation standards.

Even if H.R. 4167 did preempt state laws on food sanitation, which it again does not, it would still not preempt state milk sanitation laws. Through this bill, for preemption to be found in general, there must be a conflict between a state law and a federal requirement of the FDCCA or certain other federal laws and regulations. But in the case of milk sanitation, there is no federal law or regulation for a state law to conflict with. There are only the FDA definitions of “pasteurized” and “ultra-pasteurized” milk, which are agreed upon by agencies at all levels of government and the entire dairy industry, and the general manufacturing practice regulations applicable to all foods. Along these lines, Mr. Chairman, I ask that the dairy industry’s letter of support for H.R. 4167 be included in the RECORD following my remarks.

These were conscious decisions made by the authors of H.R. 4167, decisions that, I think it is safe to say, are certainly agreed upon by the over 225 cosponsors of this bill, and insert their support for H.R. 4167. Along these lines, Mr. Chairman, I ask that the dairy industry’s letter of support for H.R. 4167 be included in the RECORD following my remarks.

Members of the House of Representatives,

WASHINGTON, D.C.

Dear Representatives: America’s dairy producers and processors urge you to vote for H.R. 4167, the “National Uniformity for Food Act of 2005.”

The International Dairy Foods Association (IDFA) and the National Milk Producers Federation (NMPF) support H.R. 4167, a bill to amend the Federal Food, Drug and Cosmetic Act in the areas of food safety tolerance setting and warning labeling because it takes a measured, science based approach, to achieve national uniformity. The bill contains a method for the orderly review and harmonization of existing state food safety adulteration laws and warnings as they relate to federal law. No existing state labeling law would be preempted without this review and state requirements under petition would still be effective during that review.

H.R. 4167 recognizes that it makes no sense to have a “patchwork quilt” of different states adopting different regulatory requirements on identical food products. Uniformity in food laws is actually the norm, not the exception. All meat and poultry regulated by the U.S. Department of Agriculture (USDA) have national uniformity, mandated by the Poultry Products Inspection Act and the Meat Products Inspection Act. The Nutrition Labeling and Education Act (NLEA) of 1990 established uniform nutrition labeling requirements on manufactured foods. In addition, the Food Quality Protection Act (FQPA) of 1996 included a uniformity provision for pesticide tolerance standards in food products. H.R. 4167 completes the job by establishing national uniformity for food additives and warp prevention regulations.

H.R. 4167 enjoys the support of 227 bipartisan co-sponsors and was reported by a bipartisan vote from the Energy and Commerce Committee on December 15, 2005. America’s dairy industry believes consumers deserve a single standard when it comes to food safety, and this bill will allow states and the Food and Drug Administration to work collaboratively in establishing sound food safety labeling policies that benefit, not confuse consumers. We urge your vote for H.R. 4167.

Sincerely,

Connie Tipton, President and CEO, International Dairy Foods Association.

Jerry Kozak, President and CEO, National Milk Producers Federation.

Mr. GILLMOR. Mr. Chairman, I rise today in strong support of H.R. 4167, the National Uniformity for Foods Act. I am pleased to be one of 226 cosponsors, and congratulate its sponsors, Mike Rogers and Ed Towns, for their strong support of H.R. 4167.

Domestic manufacturers and consumers alike will be well-served by this legislation which aims to alleviate the confusion created by a patchwork regulatory system, by requiring that the U.S. Food and Drug Administration (FDA) and the states work together to develop uniform safety standards.

Note of the National Uniformity for Foods Act will likely benefit an estimated 16,000 food processing facilities scattered throughout the country. Most of them process foods that are distributed across state lines, including items like soup, ketchup, candy and crackers, all of which are produced in my congressional district.

Beyond food processors, glass manufacturers, who package food, beverages, cosmetics and other consumer products in Northwest Ohio will also be impacted positively by H.R. 4167. Given the nationwide distribution of most products packaged in glass, it is critical that glass manufacturing policies that benefit consumers should have reasonable expectations and be harmonized.

Under the current regulatory system, each of the 50 states has the ability to require its own warning labels separate and apart from the FDA’s requirements. Again, this multi-tiered regulatory environment can be highly inefficient, and serves to often confuse, rather than educate consumers. Manufacturers and consumers should have reasonable expectations for a uniform, scientifically based and consistent standards will apply. The citizens of all states deserve the same level of food safety.

I should also point out that H.R. 4167 will not preempt existing state food safety requirements without thorough FDA evaluation, and will not prevent states from taking enforcement action without federal approval, so long as state food safety laws are the same as the federal government’s requirements. Furthermore, this measure will not interfere with a state’s rapid response mechanism to take action in emergency circumstances. Mr. Chairman, I again urge my colleagues to join me in supporting H.R. 4167.

Amendment No. 1 offered by Mr. Barton of Texas

Mr. Barton of Texas. Mr. Chairman, I offer an amendment. The Acting Chairman. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 109-386 offered by Mr. Barton of Texas:

Page 2, line 7, strike “403A(a)” and insert “403A.”

Page 2, beginning on line 8, strike “343-1a” and insert “343-1.”

Page 2, line 10, strike “in paragraph (4)” and insert “in subsection (a)(4).”

Page 2, line 12, strike “in paragraph (4)” and insert “in subsection (a)(5).”

Page 2, line 14, insert “in subsection (a),” after “(3)” in line 8.

Page 3, strike lines 5 through 15 and insert the following:

(4) by adding at the end the following:

“(c)(1) For purposes of subsection (a)(6) and section 405B, the term “identical” means that the language under the laws of a State or a political subdivision of a State is substantially the same language as the comparable provision under this Act and that any differences in language do not result in the imposition of materially different requirements for purposes of this Act, the term ‘any requirement for a food’ does not refer to provisions of this Act that relate to procedures for Federal action under this Act.”

(2) For purposes of subsection (a)(6), a State or political subdivision of a State may enforce a State law that contains a requirement that is identical to a requirement in a section of Federal law referred to in subsection (a)(6) if—

“(A) the Secretary has promulgated a regulation or adopted a final guidance relating to the requirement and the State applies the State requirement in a manner that conforms to the regulation or guidance; or

(B) the Secretary has not promulgated a regulation or adopted a final guidance relating to the requirement, except that if the...
The Acting CHAIRMAN. Pursuant to Section 2 of the bill extends national food safety laws be identical to the ten sections of Federal law that are listed in section 2(a)(6) of the bill. Am I correct that each of these ten sections provides a basis for determining whether food is adulterated?

Mr. BARTON of Texas. Reclaiming my time, Mr. Chairman. The gentleman will continue to yield. "Identical" in this context does not mean that the word has to be exactly the same, does it?

Mr. BARTON of Texas. No. "Identical" is defined to mean that minor differences in wording are acceptable so long as they do not alter the underlying meaning of the provision. So, for example, Federal law provides that a food is adulterated "if it contains any added poisonous or deleterious substance which may render the food injurious to health." This is referred to as the basic adulteration provision of Federal law. State law that addresses the basic adulteration requirement will need to be the same as that provision of Federal law.

Mr. INSLEE. If a State’s basic adulteration law is identical to the Federal adulteration law, can a State apply that law as it determines to be proper?

Mr. BARTON of Texas. If the FDA has not established a tolerance or limit for a particular poisonous or deleterious substance in food, the State is free to make its own determination of what quantity of that substance should be held to adulterate the food. If, however, there is an FDA established tolerance or limit, then the State need not follow the tolerance or limit in its enforcement of State law. If FDA has finally determined that there should not be a tolerance or limit, then in that instance also the State would not follow the Federal policy.

Mr. INSLEE. I thank the gentleman for this explanation, and I have a further inquiry.
I understand that if a State law is identical to the Federal, that State regulators can apply State law to particular circumstances where FDA has not.

Suppose a State enacts a law that applies to State food adulteration requiring a recall to a particular substance or circumstance. So the law would say, for example, that the State has determined that any food that contains more than X amount of Y poisonous or deleterious substance adulterates the food. The giving of that food’s food adulteration law, would that be permissible?

Mr. Barton of Texas. Yes. If the State’s food adulteration provisions are identical to the listed Federal provisions and there is no Federal tolerance or limit, the State may apply its law either by regulatory action or State legislative enactment. All that the bill requires is that the State apply the same standard for adulteration that is found in Federal law. It does not matter whether the State does that administratively or by legislation.

Mr. Inslee. Thank you, Mr. Chairman, for those clarifications.

Mr. Barton of Texas. Mr. Chairman, I thank the gentleman, and I now ask for an “aye” vote on the Barton amendment.

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

Mr. Waxman. Mr. Chairman, I yield myself the balance of my time to enter into that last point that was made.

A State may act if they act in a way that is identical to the Federal action. Great. But if a State wants to act where the Federal Government has not acted, the States will be blocked, or may be blocked, from acting at all. I think that illustrates the problem with this legislation. The State authority is stopped, and if the Federal Government doesn’t act and the State can’t act, then there will be no warning label. There will be no action at all on either the State or the Federal level to protect the public, even though the State would like to protect its own citizens.

That illustrates to me the basic flaw in this whole bill that is before us. And maybe it is why we never had a day of hearings on it and it is being rushed through the House of Representatives without adequate debate.

But let me just make that point as clearly as possible. Because sometimes you hear over and over again, we will have a stronger Federal law and there will be one uniform Federal law. Well, this will allow one uniform non-Federal law to preempt the States, and they will be identical because they will both say nothing to give the consumers the information they ought to have about the problems in food that could cause cancer or other medical problems or health problems, such as PCBs in shellfish, mercury in some other foods, such as carcinogens in something else. The public won’t even be empowered to protect themselves if they want to. It is “buyer beware.” But at least let the buyer have some information and let them then make that decision.

So I don’t object to this amendment, but I do object to the bill, and this amendment does not change the fundamental problems with this legislation.

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

The Acting Chairman. The question is on the amendment offered by the gentleman from Texas (Mr. Barton).

The amendment was agreed to.

Amendment No. 2 offered by Mr. Cardoza.

Mr. Cardoza. Mr. Chairman, I offer an amendment.

The Acting Chairman. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 printed in House Report 109-366 offered by Mr. Cardoza:

Page 11, after line 7, insert the following:

"(C) EXPEDITED CONSIDERATION.—The Secretary shall expedite the consideration of any petition under paragraphs (1) or (2) that involves a request for a notification requirement for a food under a warning where the health effect to be addressed by the warning relates to cancer or reproductive or birth defects or is intended to provide information that will allow parents or guardians to understand, monitor, or limit a child’s exposure to cancer-causing agents or reproductive or developmental toxins."

The Acting Chairman. Pursuant to House Resolution 710, the gentleman from California (Mr. Cardoza) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. Cardoza).

Mr. Waxman. Mr. Chairman, I ask unanimous consent that I be able to take the time and debate on this amendment.

The Acting Chairman. Mr. Deal of Georgia, Mr. Chairman, unless there is someone in opposition to it, I would claim the time in opposition, even though I am not opposed to it. I am not sure that Mr. Waxman and I are on the same position on the amendment.

Mr. Waxman. Well, Mr. Chairman, I will be in opposition to the amendment and claim the time in opposition.

The Acting Chairman. The gentleman from California (Mr. Cardoza) is recognized.

Mr. Cardoza. Mr. Chairman, I yield myself such time as I may consume to offer my amendment to H.R. 4167, the National Uniformity for Food Act. H.R. 4167 creates two separate petition processes for States that may petition the FDA requesting approval for State labeling requirements. Under the first, the States are given a transition period to provide the FDA with approval of existing State regulations for food labeling. The second creates a process for States to petition the FDA to approve a national standard for new food labeling requirements, or to exempt a State from certain requirements of national uniformity.

My amendment deals only with the latter, the process for States to petition the FDA to approve national standards for future labeling requirements.

The bill sets strict timelines for FDA action on State petitions for future national standards. Petitions must be provided according to the Federal Government within 30 days of receipt and made available for public comment. The FDA must approve or deny within 60 days of the close of the public comment period, unless an extension is requested in order to gather more information. However, in all cases, final action must be rendered no later than 120 days after the close of the public comment period.

While I applaud the author for including these timelines, I feel it is important to have an even swifter resolution for those State petitions that may affect our most vulnerable populations. My amendment would further expedite consideration of State petitions seeking adoption of national warning requirements in three circumstances: first, where the proposed warning relates to cancer-causing agents; second, where the proposed warning relates to reproductive effects or birth defects; and, third, when the requested warning is intended to provide information that will allow parents or guardians to understand, monitor, or limit a child’s exposure to cancer-causing agents or reproductive or developmental toxins.

My amendment will help ensure that when a State believes a warning should be provided against possible serious health effects or birth defects, FDA consideration of the State request must occur in the shortest period of time possible.

As a member of the California delegation, I stand by my support of the National Uniformity for Food Act, but I also recognize the importance of retaining a State’s ability to advocate for their food safety warnings and that they be promoted nationwide. Ultimately, my amendment preserves the goal of H.R. 4167 to have uniform national warnings while also ensuring that Federal action on State requests for important health warnings is not delayed.

Mr. Chairman, I ask for an “aye” vote, and I reserve the balance of my time.

Mr. Waxman. Mr. Chairman, I yield myself such time as I may consume.

This bill requires a State to petition the Food and Drug Administration to see if the Food and Drug Administration will allow the State to continue with its law. Now, many of these laws are dealing with carcinogens and reproductive toxins, very, very serious matters, and the States feel the public opinion should be advised about that.

This amendment, however, provides an expedited review. Well, the Congressional Budget Office has said that this
Mr. Chairman, should I have any time left, I want to reserve the balance of it.

Mr. CARDOZA. Mr. Chairman, I would like to inquire of the Chairman how much time I have remaining.

Mr. WAXMAN. The Acting Chairman. The gentleman from California. Mr. CARDOZA has 7½ minutes remaining and the gentleman from California. Mr. WAXMAN has 6 minutes remaining.

Mr. CARDOZA. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Mr. Chairman, I rise today in support of the gentleman’s amendment. Several of my colleagues have raised valid concerns about the importance of warning labels for specific serious health issues, including birth defects and cancer-causing agents. I believe the language in the gentleman’s amendment improves the underlying bill by allowing for an expedited review process by the FDA.

If a State identifies a health issue fitting the critical categories listed in the amendment, it is necessary, and this amendment allows FDA to enact the warning nationally, not just in the State that proposes it, granting greater consumer protection everywhere, and if the FDA approves a State’s requesting, it is important for consumers not just in that State, but all States, to have that information.

As I said during the general debate on this bill, we have the world’s safest food supply, the lowest cost to its consumers, and every American benefits from a system of national food safety standards. This amendment and the underlying bill builds on the record of the States’ cooperation. It is important for consumers not just in that State, but all States, to have that information.

I strongly urge my colleagues to join me in supporting this important amendment and to oppose any amendments that would gut this bill.

Mr. CARDIN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Chairman, I thank the gentleman for yielding me this time.

I am a cosponsor and will support final passage of the National Uniformity for Food Act today. This is because I believe that a national standard for food labeling under the authority of the FDA makes sense.

In addition, I support the Cardoza amendment to this bill, which would accelerate the consideration of warnings for food labels in certain cases, such as when dealing with the potential for birth defects and cancer-causing agents.

This amendment protects the most vulnerable in our society, particularly children. Expedited consideration by the FDA for these types of labels is the right thing to do to protect the health of our families. I urge my colleagues to support this amendment and urge a “yes” vote on final passage.

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

Mr. CARDOZA. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. ROGERS), the author of the bill.

Mr. ROGERS of Michigan. Mr. Chairman, I rise to support the Cardoza amendment and thank the Member for working with us. This does improve the bill and makes very, very clear that we are going to have an expedited review for cancer-causing agents or reproductive effects or birth defects.

The reason we have an expedited review here, as we have said many times, those State laws in effect remain in effect until they get an affirmative ruling from the FDA, so those would remain in place until they get a scientific ruling from the FDA, and then we would have the benefit of that information shared with all 50 States, all 50 States’ children, all 50 States’ men and women who call America home.

I thank the gentleman for working with us and in supporting this fine bill. Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

I want to point out that there are two petitions. One is a petition by a State to allow its law to stay in effect. The second provision in the bill allows a State to petition to say the Federal Government should have one uniform label that ought to be the same as that State’s.

Well, this provision that is before us will have an expedited review of the States’ petitions. Pesticide spraying after harvest disclosure, that is a Maine law requiring disclosure; postharvest spraying of produce with pesticides. I have no idea what the reason was for that law, but Maine people thought it worthwhile because of pesticide spraying and, I guess, the residue left on pesticides. I support the petition that should have an expedited review.

We have disclosure of fish, whether it is farm-raised or wild. There is a law in Alaska dealing with salmon; in Arkansas, Louisiana, and Mississippi dealing with catfish. Certain farm-raised fish may contain elevated levels of PCBs and other contaminants. Well, those State laws may not be allowed to continue. The second provision in the bill allows a State to petition to say the Federal Government should have one uniform label that ought to be the same as that State’s.

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laws based on the science, but they do not have to make their decision based on science. They can just decide that any State law, if a business has to comply with a State law, it means that in one State they have to have different warnings, different testing, different standards than in other States. That might interfere with interstate commerce, so they might just strike all of the laws. I do not want to push them on an expedited basis to strike all these. What if there’s an agency, a bureaucracy, would think this is the wisest thing to do in order to meet the expedited time frame.

So I think Members ought to be aware of the other side of the coin when they say we want these laws reviewed carefully.

The other point is the Barton amendment dealing with dietary supplements will not even have a State have to go to the Food and Drug Administration if the State requests a shortened period of time because they believe that a particular problem has, and let us just use an example, say there is an inorganicism in seafood that has just occurred off the coast.

Ms. ESCHOO. So maximum is 120 days?

Mr. CARDOZA. And this allows the FDA to act even quicker; in fact, mandates it.

Ms. ESCHOO. But they have up to 4 months?

Mr. CARDOZA. In the underlying bill.

Ms. ESCHOO. But that is your amendment, not the underlying bill.

Mr. CARDOZA. No, the underlying amendment.

Ms. ESCHOO. And what does your amendment do?

Mr. CARDOZA. It says that it must be the quickest possible.

Ms. ESCHOO. But without any specificity?

Mr. CARDOZA. Correct.

Ms. ESCHOO. Mr. Chairman, thank you.

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

Mr. CARDOZA. Mr. Chairman, I yield myself such time as I may consume.

This amendment will strengthen States rights, in my opinion, by forcing the FDA to review petitions expeditiously and quickly to make sure that their concerns are legitimately taken care of. I do not think anyone here believes that the FDA will purposely act in contravention to what is in the best interest of the people of the United States. That is not in their best interest.

I also agree with the gentleman’s contention that the FDA needs to be strengthened and given increased funding. If they have additional work, they will need additional funding to do this work. So this amendment is more about dealing with the underlying legislation. I would ask for the body’s support of this amendment. I think it makes the bill stronger.

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

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. ESCHOO).

Ms. ESCHOO. Mr. Chairman, I thank the distinguished gentleman for yielding some time to me.

I have a question to ask of my friend from California: What is the time frame when you say expeditious action on the part of the FDA? What does that constitute? Is it 100 days? Is it 180 days? Is it 30 days? The connotation is that it is going to be swift. If this passes, if the legislation actually moves, what are we looking at relative to the direction of this amendment?

Mr. CARDOZA. Mr. Chairman, will the gentlewoman yield?

Ms. ESCHOO. I yield to the gentleman from California.

Mr. CARDOZA. In answer to the gentlewoman from California, it is my intention that there would be an expedited review. If there is 120 days, and a State requests a shortened period of time because they believe that a particular problem has, and let us just use an example, say there is a microorganism in seafood that has just occurred off the coast.

Ms. ESCHOO. Why should a warning label that a State wants to put on a food which may be a carcinogen or it may be a reproductive toxin, why a State law in the area of dietary supplements. It still is perplexing to me why that area ought to be singled out to be treated differently than other food products.

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I think any provisions that we realize along the way is that there was concern about the bioterrorism. We firmly believe that the bill is adequate to deal with those issues. But to try to make sure everybody had a comfort level, we felt it was important that at least the bill that we were going to have the DHS and the HHS sign off on this legislation before it takes effect, that there would be no hindrance in defense of bioterrorism when it comes to our food supply. It is not a difficult thing, it is really a common sense measure. We hope that alleviates some of the concerns we have heard mentioned, and I urge this body’s support on this particular measure.

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

Mr. WAXMAN. Mr. Chairman, I ask unanimous consent to control the time in opposition, although I will speak in favor of this amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume. I think this is a good amendment. After this amendment is disposed of, and I hope favorably, I will be offering another amendment on the same subject of bioterrorism. I think any protections that we put into place at this time of threat of terrorism are wise. I will discuss my amendment at the appropriate time, but I join my colleague from Michigan in urging support for this amendment.

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

Mr. ROGERS of Michigan. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. Brown).

Mr. BROWN of South Carolina. Mr. Chairman, I rise in support of the Rogers amendment to H.R. 4167, the National Uniformity for Food Act.

Unfortunately, in this day and age we need to look at every piece of legislation that we consider. We have to take the eyes of those we ask to cope with the unthinkable, in this case a food emergency or bioterrorist situation. The
last thing we want to do is unnecessarily handcuff the local, State and Federal officials who respond quickly in times of crisis.

That is why I support this amendment. It would require the Secretary of Health and Human Services to certify to the Congress that the National Uniformity for Food Act would not in any way inhibit the ability of local, State or Federal authorities to respond to a food emergency or bioterrorist event.

The bill cannot take effect until that certification, in consultation with the Secretary of Homeland Security, is complete. H.R. 4167 will not create the necessary barriers to prevent and respond to bioterrorist attacks. The FDA and the States would continue to work together to cope with that type of situation. I, for one, am comforted by Mr. ROGERS' amendment and ask my colleagues to support it unequivocally.

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

The Acting CHAIRMAN (Mr. PRICE of Georgia). The question is on the amendment offered by the gentleman from Michigan (Mr. ROGERS).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 printed in House Report 109-386 offered by Mr. WAXMAN:

At the end of the bill, add the following:

SEC. 3. PROTECTION AGAINST BIOTERRORISM.

Nothing in this Act or the amendments made by this Act shall have any effect upon a State law, regulation, action, or proposition if a Governor or State legislature certifies that such law, regulation, action, or proposition is useful in establishing or maintaining a food supply that is adequately protected from bioterrorist attack.

The Acting CHAIRMAN. Pursuant to House Resolution 710, the gentleman from California (Mr. WAXMAN) and the gentleman from Georgia (Mr. DEAL) each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, the previous amendment was a good amendment. It provided for a one-time certification. That was important to do. The only requirement is the Secretary of Health and Human Services consults with the Department of Homeland Security to certify that the bill will not pose additional risks from terrorist attacks before it goes into effect.

That is worthwhile. That is why I supported that amendment. It doesn't require them to consult with the States, look at different approaches the States may be using. What we are proposing to do is go even further in the area of protection against bioterrorist threats.

My amendment allows the States to retain the authority to decide what is important in preparing for and responding to terrorism threats. If a Governor or State legislature certifies a State action in this regard, it is not going to be prevented. The States will be able to make those decisions on bioterrorism, should God forbid, such a thing happen.

As the Nation's first responders to bioterrorist attacks, State and local governments have work to develop effective programs that can respond flexibly should a nightmare occur. These State food safety officials have stated repeatedly that they are deeply concerned that H.R. 4167 will undermine the States' ability to effectively prevent and respond to bioterrorist attacks.

The States learned from Hurricane Katrina that it is ill-advised to rely on Federal agencies to solve their problems. Under H.R. 4167, even with this last amendment, the States will be in exactly that position, because they will have to rely on the Federal Government.

Under the bill, the States will be required to go through a bureaucratic Federal process merely to protect their citizens. Even in the case of an imminent hazard, States must make a series of findings, and even then are only authorized to establish a requirement which could be interpreted to require the passage of a new law or promulgation of new regulations.

In the face of a determined terrorist threat, this approach seems highly unwarranted and potentially disastrous. My amendment will go a long way to addressing these shortfalls. It is an amendment that State food officials think is merited, and they have warned us about any weakening of their ability to respond to any bioterrorist threat.

That is what has become the basis for this amendment. I strongly urge support for the Waxman amendment and hope that this amendment will supplement the Federal requirement that the Rogers amendment is putting into place. I urge support for the Waxman antiterrorism amendment.

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

Mr. DEAL of Georgia. Mr. Chairman, I would yield myself 1 minute.

Mr. Chairman, I must rise in opposition to this amendment. My amendment is unnecessary.

The States learned from Hurricane Katrina that it is ill-advised to rely on Federal agencies to solve their problems. Under H.R. 4167, even with this last amendment, the States will be in exactly that position, because they will have to rely on the Federal Government.

The bill cannot take effect until that certification, in consultation with the Secretary of Homeland Security and Human Services, in consultation with the Secretary of Homeland Security, is complete. H.R. 4167 as originally written would require the Secretary of Health and Human Services, in consultation with the Secretary of Homeland Security, in consultation with the Secretary of Homeland Security, to certify that the law can take effect.

That is worthwhile. That is why I support this amendment. It would require the Secretary of Health and Human Services to certify to the Congress that the National Uniformity for Food Act would not in any way inhibit the ability of local, State or Federal authorities to respond to a food emergency or bioterrorist threat.

This amendment, however well-intentioned, will do little more than add to bureaucratic red tape and can hamper, not improve, our ability to launch a coordinated response in time of trouble. State officials have nothing to fear from this bill as originally written. It has no impact on the ability of local, State and Federal officials to respond to a food emergency or bioterrorist threat.

However, for those who, like me, like additional assurances that this legislation would in no way inhibit our ability to respond with a threat to public health, is an adequate safeguard. I think this amendment is unnecessary.

Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Chairman, I rise in opposition to this amendment, my friend's amendment to the National Uniformity for Food Act. We have seen time and time again in recent years it takes swift and coordinated response from local, State and Federal officials to confront disasters of any kind, especially those caused by terrorists who seek to do us harm.

This amendment, however well-intentioned, will do little more than add to bureaucratic red tape and can hamper, not improve, our ability to launch a coordinated response in time of trouble. State officials have nothing to fear from this bill as originally written. It has no impact on the ability of local, State and Federal officials to respond to a food emergency or bioterrorist threat.

However, for those who, like me, like additional assurances that this legislation would in no way inhibit our ability to respond with a threat to public health, is an adequate safeguard. I respectfully offer that the Rogers amendment that was agreed to would assuage those concerns. It would require the Secretary of Health and Human Services to consult with the Secretary of Homeland Security, to certify that the legislation poses no additional threat to public health or safety in time of crisis. Therefore, the law can take effect.

It should adequately assuage the concerns of Mr. WAXMAN and all others. I urge my colleagues to support the Rogers amendment and vote against the Waxman amendment.

Mr. DEAL of Georgia. Mr. Chairman, I would yield 1 minute to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Chairman, I just wanted to make clear, there has been a lot of misinformation on that bill. I was a former FBI agent. One thing I learned, we used to call it the brick agent, the guy that is out on the street. You don't want to have to ask permission to take an exigent circumstance under control. You don't want to do have to do that.

This bill protects State, local and Federal Government action in cases of terrorism. We would have not drafted a bill that would have done otherwise. I think what you are misinterpreting is the fact that once they take an action, they have to tell the Federal Government.

Why that is a good idea is because if they find there is an area where there is adulteration or poisoning, let us say, in Oregon or someplace else, there
might be another place that they can go and short-circuit that problem somewhere else in the country. It is good policy to have that notification that there was food that was adulterated or poisoned or a victim of bioterrorist attack to be added on to that national level. Take the action, tell the Feds so they can get that information across the rest of the country.

This is the right thing to do. I would urge the rejection of the Waxman amendment, which I think makes it more confusing, not less.

Mr. WAXMAN. Mr. Chairman, I want to close on this amendment. This amendment is a supplement to the amendment that the gentleman from Michigan (Mr. Roemans) adopted. This is what food and drug officials at the State levels have said. When you consider the local and State food safety programs, our first line of defense against acts of terrorism involve the food supply.

The amendment would allow them to act without having to go to the Federal Government to ask for permission. The bill says even if there is an imminent hazard, the State has to go to the Federal Government to get permission. That is absurd.

The New York Agriculture Department said that New York would be left without any means to stop contaminated food from entering the Nation’s food supply. Florida stated this legislation would make it more difficult to mitigate the effects of an intentional bioterrorist agent food adulteration.

I think those who are imposing this amendment are very much misguided. Listen to what the States have had to say about this. These are the ones that are going to have to deal with any bioterrorist attack at the front lines. Especially after what we saw with Hurricane Katrina, let us empower the local people to act and not make them have to go hat in hand to seek a bureau-

Mr. DEAL of Georgia. Mr. Chairman, this amendment is very much misguided. Amendment No. 5 printed in House Report 109-306 offered by Mrs. CAPPS:

Paragraph (1) does not apply to a notification described in such paragraph if the notification warns that the food involved contains a sulfiting agent that may cause cancer.

SECTION 3. ENSURING ADEQUATE PROTECTION FOR KIDS.

Nothing in this Act or the amendments made by this Act shall have any effect upon a State law, regulation, proposition or other action that—

(1) establishes a notification requirement that will allow parents or guardians to understand, monitor, or limit a child’s exposure to cancer-causing agents, reproductive or developmental toxins, or food-borne pathogens; or

(2) offers protection to children from foods bearing or containing cancer-causing agents, reproductive or developmental toxins, or food-borne pathogens.

The Acting CHAIRMAN. Pursuant to House Resolution 710, the gentlewoman from California (Mrs. CAPPS) and a Member of the opposition each will control 10 minutes.

The Chair recognizes the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I yield myself 3 minutes. Mr. Chairman, I am offering this amendment with colleagues, Representative Eshoo, Representative Stupak and Representative Waxman. Our amendment is fairly straightforward. It would ensure that this bill would not preempt State laws that require proper warning on foods that do contain carcinogens, that do contain chemicals that could cause birth defects or could cause allergic reactions with sulfiting agents.

The bill as currently written would effectively wipe out important existing State food warning laws. This amendment would make it more difficult to end that process. This process would be burdensome and costly. The CBO estimates it could cost taxpayers as much as $100 million in the first years for States to apply for waivers for their State laws and for the FDA to process these appeals.

Our amendment would dramatically reduce those costs by keeping intact some of the most critical State laws already on the books which do ensure consumer protections. It would protect State laws that mandate consumer notifications for products that we know can cause cancer, can cause birth defects and may cause allergic reactions associated with sulfiting agents.

Mr. Chairman, we are fortunate to have made great advancements in recognizing potential health risks posed by certain substances. We want to ensure that this knowledge reaches the public, where the forces of the market can determine the need for arsenic in bottled water or of potassium bromate in bread.

Let us not keep consumers in the dark about what is in the foods they eat. I urge my colleagues to support this amendment.

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

Mr. DEAL of Georgia. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this amendmenet would exempt three categories of warnings and standards from a national uniformity standard: those relating to reproductive or developmental toxins; and, third, those sulfiting agents in bulk foods.
Warnings on food should apply in all 50 States. If a warning is justified, consumers in all States should get the information. If food is not safe in 49 States, then it should also not be safe in the other, or vice versa. If a warning is not justified, then consumers should not be exposed to different warnings in different States.

If a State has reliable scientific information that demonstrates that a warning is needed for a particular food, then in the interest of public health, it should be in place for the same food in other States. This amendment would require the FDA to petition for a new national standard. Under the bill, a State can petition to establish a new national standard or a specific exemption to uniformity where local circumstances warrant. The petition process will ensure that States collaborate with the FDA and will help foster greater food safety throughout the country.

Just a few minutes ago, by voice vote, we adopted Mr. CARDOZA’s amendment on the first chance for the first time in putting an assurance that there will be an expedited review in all of the three categories that this amendment addresses.

Under the legislation, no existing State requirement would be preempted unless there is a time period for the State to petition the FDA to exempt the State requirement from the uniform standard. Once a petition is received, the State requirement will remain in effect until the Secretary either accepts or rejects it. I believe we have adequate protections, especially with the Cardoza language that was just adopted by voice a few minutes ago.

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

Mrs. CAPPS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to submit to all members the opportunity of the States to petition the FDA to exempt the State requirement from the uniform standard. Once a petition is received, the State requirement will remain in effect until the Secretary either accepts or rejects it.

I believe we have adequate protections, especially with the Cardoza language that was just adopted by voice a few minutes ago.

Mr. Chairman, I am pleased to yield 4 minutes to my colleague the gentlewoman from California (Ms. ESCH)

Ms. ESCH. Mr. Chairman, I thank my colleague for yielding me time.

Mr. Chairman, I am really pleased to co-sponsor this amendment. I think it is a very important opportunity for the States to petition the FDA to exempt the State requirement from the uniform standard. Every leading environmental organization in the country supports this amendment, and consumer groups support this amendment.

I think it is important for people across the country to know who is for the bill, and it will say something about the effort that is here on the floor today. The feed industry is for the bill. The frozen food people are for the bill. The Plastics Council is for the bill. Soft drink people, food processors, food additives.

The food additives people are for the bill. Doesn’t that say something about what is going into our food and lessens the standards in our country for what we consume? That just gives you, excuse the expression, a taste of who is for the bill.

Now, this amendment allows States to retain and establish their own food safety warnings or standards to protect consumers in four key areas. It is against the risk of birth defects, it is against reproductive health problems, and it is against anaphylactic reactions. Those are four major areas that every single person in this country cares about because they are so serious.

Without this amendment, States are going to have to come to the Federal Government and say, mother, may I? My friends, nothing is broken. Nothing is broken. Were it not for these special interests that have lobbied so hard for this, which is what is wrong with Washington, D.C. today, we would not be having an opportunity to protect what local governments and State governments have, the laws they have placed on the books.

Now, here is an example. Here is an example of what we have in California. This is the warning. This is the warning that is in the grocery stores and the appropriate places for pregnant women and others to warn them: “Pregnant and nursing women, women who may become pregnant, and young children, should not eat the following fish,” and it names them.

You know what is going to happen when this thing becomes law? It is going to be buried on a Web site at the FDA. Who the heck is going to go on a Web site at the FDA to read the fine print to find out if they have a warning? That warning is not enforceable. That is why we are offering this amendment in the most key health areas. I would urge my colleagues to support this amendment.

Mr. Chairman, I want to add one more comment to this: Whose constituent has come up to them and said, “Get rid of these good laws in our respective States and local governments”? Not one of my constituents has.

This march to folly, and that is why attorneys general across the United States are opposed to it, it is why food and agriculture heads from States are opposed to it. This is not about consumer interests, this is about special interests.

Mr. DEAL of Georgia. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Chairman, this debate has certainly turned some interesting corners in the last few weeks, and again we are fast approaching as many hours debating as there are pages in the bill; 226 cosponsors and 59 Democrats joined in a bipartisan effort for national food safety labeling a pretty powerful thing.

I commend Mr. WAXMAN for standing up and saying that we need national nutrition labels across the country. Why? Because the periodic tables in California are not any different than the periodic tables in Michigan or Maine or Florida, thank goodness. Science is science is science.

If we are going to protect pregnant women, if we are going to protect mothers and fathers, if we are going to be for apple pie and Chevrolets, then we ought to do it in all 50 States, because a chicken grown in Louisiana is going to end up on a plate in Michigan; peas grown in Florida are going to end up in Louisiana; crawfish is going to come north and west and south, and we are going to send navy beans south, and we grow some good ones up there in Michigan. We have cherries that are going to go all across the country. This is an interstate matter.

I can’t think of anything more important than our food safety. I have heard so much misinformation, even today. “It is going to wipe out the laws in the States, it is going to end up on a plate in Michigan.” This bill will not do that. “The AGs are all for this bill for the right reason.” Two of the issues that they talked about, preempted in their letter, were factually incorrect. It wasn’t right. They were making the wrong argument. They were wrong.

Sulfites in Michigan, I happen to agree with you. And I will tell you what; if they are bad for Michigan citizens, I think they are bad for all of the 50 States. If you are traveling to see your mother and you have a sulfite problem, if you are in Michigan today, you are fine. If you are in Ohio, you are not going to do so well. That is wrong. We can do better. This bill says we can do better.

I appreciate your passion for these issues. I don’t think we are all that far apart about wanting food safety. I don’t. I think how we get there is the problem.

I think we have personal attacks and charges of backroom deals and those things is wrong. I think you know it is wrong. I think we have come to the point in the bill where you run out of facts and you start going in a different direction.

This bill is about protecting the food safety of every American in this great country. I think we ought to set aside maybe some of those differences that we have and acknowledge this is the time to do it.

Mr. Chairman, I have been a little disappointed with the tenor of debate at times in this particular engagement on something I think is so important and so critical to our safety, our food safety. I would urge this body to reject this amendment. It tries to carve something out to confuse consumers.
which is exactly where we don’t want to go. That is just not a place that we want to go.

Mr. Chairman, I think we know at the end of the day this is the right thing to do. As a matter of fact, even in the letter sent in from State bureaucracy, it is the trial lawyers who oppose this bill they are saying, well, national labeling is okay, but we have some other concerns. Why? Because you can’t make a good argument about why uniform labeling across the country is the protection of citizens and what they put in their body is a good idea. What do we hear? Adulterated food or poisoned food, you usurp our ability. No, that is protected in this bill.

If we are going to argue about what we are doing, let’s argue on the facts, the correct facts. I think we all probably at the end of the day know this is the right thing to do.

I am going to ask you to step aside from what you think you need to do, step off your talking points, and say let us do something that is good for America. Don’t worry about politics and all the other people that get involved sometimes outside of this building. What is it right for the people of America. You will come to the right conclusion.

If you look at the facts that are wrong consistently in your arguments, you are going to be with us. I appreciate your good concern, I want you are going to be with us at the end of the day.

I urge Members to vote in support of the bill and against the Capps amendment.

Mrs. CAPPS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would submit the consumers are united in opposing this legislation and that the States have had a track record for consumer protection. I would love to see the Federal Government establish such a record.

Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, if the people who are supporting this law were sincere, they would go to the Food and Drug Administration under current law and ask them to adapt standards all across the country on all of these issues. They don’t have to wait until the States petition them. The Food and Drug Administration can look at a problem now and say California has a law, Michigan has a law, look at a problem now and say California has a law, Michigan has a law.

If, however, the Federal Government has acted. If the Federal Government has acted for everyone, then there is no need for State laws; but if the Federal Government has not acted, the States ought to be able to act on their own in this area.

So the Capps amendment that is sponsored by many of us is narrow, and it simply says it will allow the warning labels if the States determine for carcinogens, reproductive toxins and allergic reactions. Let the States act where they are trying to protect children from harmful substances in food.

I urge support for the Capps amendment.

Mr. DEAL of Georgia. Mr. Chairman, I have difficulty understanding why any State that feels that it has the good science and the research to justify putting labels of warning on their products would be unwilling to share that information with the agency at the Federal level that is charged with that responsibility.

Now, unfortunately there is a more elemental argument that has not really been addressed in this discussion here. And I do not question anybody’s motives, I regret that the last speaker maybe sort of questioned the motives of some who are advocating this bill. But let me harken back to days that predate even this institution and this building in which we are now sitting. One of the fundamental debates that engaged our original forefathers and colonists, the debate between the old Constitutional Convention in Philadel-

If we had a hearing, maybe the others would be convinced. And what this amendment seeks to do is to say, all right, if this law goes into effect at least where the States have adopted warning labels on carcinogens, on reproductive toxins, on allergic reactions to suit states, States laws alone, do not wipe them out, because you would like to argue that there ought to be 50 laws, 50 States to have one law, which can be done now. Leave those laws alone.

And it also says that when it comes to standards protecting children, let the States decide that issue. There are many children who suffer from cancer, and more and more we are learning that cancer is caused by environmental exposures. And one of the major environmental exposures is in food.

If a parent, and all parents want to know this, having petitioned their State and have convinced their legislators to have a warning label that there is a cancerogen in the food, why should the Federal Government prevent that from happening, or have a standard that says they will not be allowed to have carcinogens or certain toxins in food that can harm children?

Why should States be precluded from doing that? I find it disingenuous when the proponents of this bill say, I want the same thing as what these States are providing. I just want everybody to have it. The States do not have to act if the Federal Government has acted. If the Federal Government has acted for everyone, then there is no need for State laws; but if the Federal Government has not acted, the States ought to be able to act on their own in this area.

If, however, the Federal Government looks at the issue, and the FDA decides that the science does not justify impendiment, then under those circumstances, there would not be uniformity, and, therefore, the State requirement would not be allowed to persist.

So if the States are so sure of their position, I see no reason why they would not want to share that information with the FDA so that the other States can have equal protection, and not just reassert some of the very same things that we are asking the States to do, and the States to do, and the States to do.

Now, I think there has been a misstatement that has been repeated here. If a State has a warning, and that warning is in place now, a label, and they petition the Federal Government and the FDA, and they say, we wish you to consider this, and the Federal Government just does not take a position on it, then their State regulation remains in effect.

And if, however, the Federal Government looks at the issue, and the FDA decides that the science does not justify impendiment, then under those circumstances, there would not be uniformity, and, therefore, the State requirement would not be allowed to persist.

So if the States are so sure of their position, I see no reason why they would not want to share that information with the FDA so that the other States can have equal protection, and not just reassert some of the very barriers that they are already putting into place.

Now, if the issue is the safety of the people of this country, how do you justify not wanting those same protections for everybody?

And the truth is that this bill would conceal information from consumers about known risks for cancer, birth defects and allergic reactions due to suffocating agents. This bill guts important warning laws. How are we going to live with this on our conscience, that today help consumers make informed choices, have encouraged manufacturers to remove harmful substances from their products? I urge my colleagues to support this amendment.

Mr. Chairman, I yield back the balance of my time.
The Acting CHAIRMAN (Mr. PRICE of Georgia). The question is on the amendment offered by the gentleman from California (Mrs. CAPPS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mrs. CAPPS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mrs. CAPPS) will be postponed.

AMENDMENT NO. 6 OFFERED BY MS. WASSERMAN SCHULTZ

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 printed in House Report 109-386 offered by Ms. WASSERMAN SCHULTZ.

At the end of the bill, add the following section:

SEC. 3. ENSURING ADEQUATE INFORMATION FOR INFANTS, CHILDREN, AND WOMEN OF CHILD-BEARING AGE.

Nothing in this Act or the amendments made by this Act shall have any effect upon State law, regulation, proposition or other requirement regarding the presence or potential content of mercury in fish and shellfish.

The Acting CHAIRMAN. Pursuant to House Resolution 710, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) and the gentleman from Georgia (Mr. DEAL) each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, Members, I ask your support of my amendment, which will add State fish and shellfish methylmercury notification laws to this act’s current list of exemptions.

The gentlewoman from Georgia (Mrs. CAPPS) outlined that if there is a problem with any food, that we should have national notification so that everyone in America may be notified regarding those concerns. The problem in particular when you are talking about fish and shellfish is that much of the problem deals with recreational fishing. So, for example, in Georgia, you might have a different level of mercury in the lakes and rivers there as opposed to the level of mercury in the lakes and rivers in Michigan. That is an issue that we have the ability to notify, under a State’s discretion the level of mercury poisoning and the caution and concern that those residents should have in that particular State.

Methylmercury poisoning is a growing crisis in our country. The FDA recommends that pregnant women completely stop eating larger predatory fish, because the average methylmercury content per serving is so high that just one meal is unhealthy.

The American Academy of Pediatrics reports that children and pregnant women can have significant exposure if they consume excess amounts of fish. Several States have begun to address current mercury levels. In fact, 44 States have issued some form of a methylmercury advisory.

Most recently we all share my concern for our children’s health and well-being. This amendment will not undermine the sponsor’s intent. There are other exemptions in this bill. If there is any substance that we exempt and ensure that there can be differing standards of advisories across the country, it is methylmercury poisoning.

Mr. Chairman, I urge the Members support the amendment.

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

Mr. DEAL of Georgia. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Chairman, I appreciate the gentlewoman’s intention here. The facts of the case are this: The toxicity level of those fish, if it is higher or lower in any particular place, the threshold that makes it toxic is the same.

It is the same for people in California. It is the same for people in Texas. It is the same for people in Michigan. So what we are saying is, yes, this is a very important issue, and we need to make sure that we understand what that toxicity level is. And if there are unique challenges to any particular area, we can apply through the FDA for that particular area. We have even built provisions into the bill to take into consideration.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Michigan. Mr. Chairman, a woman who does not have access to prenatal care, who does not know that she is pregnant, who already has a high level of mercury poisoning in her bloodstream, as many, many women across this country do, and then becomes pregnant and continues to consume high levels of oil-based fish, how is that woman supposed to be advised that she should not continue to eat tuna, mackerel, salmon without going to the doctor? Is she likely to have access to a computer and the FDA’s Website to get that warning? I really doubt it.

Mr. Chairman, Members of Congress, Michigan. Well, again, the State can apply for those warning labels. There is nothing in here that prevents that from happening. And, again, if it is good for a woman in Texas or Missouri, or fill in the blank, it is good for all 50 States. The toxin exists, that will not change. The danger of that toxicity level will not change.

Let me tell you what else happens, and we need to be real careful about this, because we need to blend all science and remove emotion. Because this is what we found happened. It was an interesting study, and I would encourage the gentlewoman to read it. It is the Tufts Health and Nutrition Letter that recently reported on several studies that documents some of the government warnings about mercury in fish can do more harm than good. It is interesting why.

They reported that the Harvard Center for Risk Analysis conducted this study, which concluded that if Americans cut their consumption of fish by one-sixth, as they did after the mercury-focused 2001 warning, an additional 8,000 deaths per year will occur from heart disease and stroke.

What we have found is that you have got to blend good science, remove the emotion, because in some cases if it would be appropriate to consume fish because it is healthy. There are some of those fish oils that are very good for you.

And what they found is, listen, you guys are doing more harm than good. You are killing 8,000 more people a year because we have an obesity problem in America, we have a health consumption problem in America. This is causing more harm than good. So we have got to find that balance.

I argue that good science is good science. Again, I wonder how you could apply the periodic tables in all 50 States uniformly as we should, with scientific lenses, we are going to come to the right conclusion to protect every pregnant woman in America.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I yield ½ minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I think the gentleman from Michigan (Mr. ROGERS) misunderstands this proposal, and it is different than the previous ones, because the State laws that we are talking about here are, for example, the State of Connecticut’s legislation is currently considering a law to authorize the grocery store to sell fish that contain methylmercury. Again, I am not talking about warning labels, but they can put up a sign in the grocery store that certain fish ought not to be used by pregnant women. There have been an estimated 300,000 newborns who are exposed to those dangerously high maternal mercury blood levels from, among other things, fish.

So, one, I do not think it is constitutional for the Federal Government to say State cannot enforce in that State to put up a warning sign. But the State, to say that we want all 50 States to put up warning signs in the grocery stores, I do not think the Federal Government, Food and Drug Administration, has ever passed that kind of requirement. They deal with labels on food. This is not a label on food issue. This is simply an internal State advisory, and those State laws ought not to be put at risk.

As far as the risk/benefit of eating fish, and you are healthier even if you eat fish with more mercury and PCBs, that talks about adults. We are talking about, in this amendment, pregnant
women. And we ought to let them have that information, especially if the States adopt the kind of law that Connecticut is looking at. And we should not block that from happening.

Mr. Chairman, I urge support for the amendment.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I rise in support of the amendment of the gentlewoman from Florida. As cochair of the Children’s Environmental Health Caucus, I have tried to raise awareness here in the Congress about public health risks for children caused by environmental contaminants.

It is well known that certain fish and shellfish contain high levels of mercury that can harm babies, unborn babies, the nervous systems of young children, and these levels of mercury in different States vary. That is the key point. Many States have enacted shellfish safety laws, many of the environmental and consumer protection laws that we now take for granted around the country first appeared in individual States.

So there are variations of contaminants in individual States. There is also a different willingness in different States to protect their consumers. This bill, I am afraid, without amendments like Ms. WASSERMAN SCHULTZ’S will result in the lowest common denominator applying, for, in other words, the weakest standards.

□ 1745

Currently some States have shellfish safety laws, but not all. Some States have fish consumption/methylmercury advisories, but not all New Jersey does. By preempting these State laws, we hurt the consumer and the health of children.

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

Mr. Chairman, we have already seen evidence of action at the Federal level in March of 2004. In fact, the FDA and the EPA issued a joint guidance to consumers about the issue of mercury in fish. And that guidance was designed to make a unanimous consent request to the gentleman from Ohio (Mr. KUCINICH).

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

Mr. KUCINICH. Mr. Chairman, I rise in support of the Waterman Schultz amendment.

It is widely known that mercury is a highly toxic chemical, especially to our children. It causes entire clusters of cells in the developing brain to die. It causes loss of fine motor skills, learning disabilities, and seizures. Later in life, it can translate into kidney diseases, and immune system disorders.

One of the primary ways children are exposed to mercury is through consumption of fish—either they eat it or their mother does. At the same time, eating fish that is not contaminated has been shown to be important to children’s health.

The best way to deal with the problem is to stop mercury from getting into our environment in the first place. Of course, this administration and Congress have repeatedly refused to take substantive action to require coal burning power plants to take responsibility for their toxic mercury releases that end up in our fish. But because mercury pollution is allowed to persist, people are forced to take on the coal plants’ responsibility by trying to avoid fish that are contaminated.

In recognition of this, some States are considering laws that will label fish that are high in mercury. It is a critical consumer empowerment tool that is the last line of defense for those who do not want their children or themselves to be exposed to this toxic substance. But the Food Uniformity Act would undercut States’ ability to even provide that basic level of protection through labeling. So not only does the bill undercut States rights, but it also undercuts personal responsibility.

The Waterman Shultz amendment makes an exemption for labeling laws that apply to mercury and fish and shellfish. It is a commonsense amendment. Please join me in supporting it.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I yield myself the balance of my time.

One of the things I want to point out is that I think is important to note is that the petition process that the gentleman from Georgia (Mr. DEAL) pointed out that whole process has been scored by the GPO. They have estimated that it would cost $400,000 per petition.

Should we be creating the obstacles to information that women need? I will give you an example. I have a 2½-year-old baby girl, and I first found out about the dangers of methylmercury when I was pregnant with her and my other baby. We discovered that they had methylmercury poisoning—somebody had put fish in the water with mercury in it. Do not consume any oily-based fish.

Think about someone who does not have the access to prenatal care that I had. We have absolutely got to make sure that depending on the levels of mercury poisoning of a particular body of water in different States, that each State be able to decide the type and method of information that they provide, and that we not leave only the ability to notify women and parents of young children about the dangers of methylmercury on a Web site put out by the FDA. That would be inappropriate.

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

The Acting CHAIRMAN (Mr. PRICE of Georgia). The question is on the amendment offered by the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. DEAL of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 109–386 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. CARDOZA of California.

Amendment No. 4 by Mr. WAXMAN of California.

Amendment No. 5 by Mrs. CAPPS of California.

Amendment No. 6 by Ms. WASSERMAN SCHULTZ of Florida.

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

AMENDMENT NO. 2 OFFERED BY MR. CARDOZA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CARDOZA) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment. The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded. A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 417, noes 0, not voting 15, as follows:
Mr. GARETT of New Jersey changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. WAXMAN
The Acting CHAIRMAN (Mr. PRICE of Georgia). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. WAXMAN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

Mr. WAXMAN asked unanimous consent to strike the designation of the amendment and designate the amendment offered by the gentleman from California as the amendment offered by the gentleman from New York (Mr. GORE) and the 184 amendments thereto offered by the gentleman from California.

Mr. WAXMAN asked unanimous consent to place the designation of the amendment in the Record.

Mr. WAXMAN asked unanimous consent to strike the designation of the amendment and designate the amendment offered by the gentleman from California as the amendment offered by the gentleman from New York (Mr. GORE).

Mr. WAXMAN asked unanimous consent to place the designation of the amendment in the Record.

Mr. WAXMAN asked unanimous consent to strike the designation of the amendment and designate the amendment offered by the gentleman from California as the amendment offered by the gentleman from New York (Mr. GORE) and the 184 amendments thereto offered by the gentleman from California.

Mr. WAXMAN asked unanimous consent to place the designation of the amendment in the Record.
Burton (IN)
Ortiz
Northup
Ney
Moran (KS)
Miller (MI)
Miller (FL)
Marshall
Manzullo
Lucas
Lewis (CA)

Mr. MARCHANT and Mr. CRENShAW changed their vote from "aye" to "no." So the amendment was rejected.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. Price of Georgia) (during the vote). Members are advised there are 2 minutes remaining.

Mr. CANTOR, Mr. SMITH of Florida, Mr. HUNTSINGER, Mr. PAUL, and Mr. Posey are advised there are 2 minutes remaining.

The Clerk will redesignate the amendment.

The Clerk redesignes the amendment.

VOTE ON THE AMENDMENT OFFERED BY MRS. CAPPS

The amendment was rejected.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. Price of Georgia) (during the vote). Members are advised there are 2 minutes remain-

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[Table of Members' Votes]

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The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMEND OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. STUPAK. Yes.

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

The Clerk read as follows:

On motion of Mr. Stupak, for a majority of the Committee of the Whole, the Committee rose.

The amendments were agreed to.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes in support of his motion.

Mr. STUPAK. Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes in support of his motion.

Mr. STUPAK. Mr. Speaker, I am pleased to offer this motion to recommit. My motion protects the rights of States to notify consumers about carbon monoxide treated meat, poultry and fish.

Mr. Speaker, I would like to direct your attention to these pictures. Which meat do you think is older? The red meat on top, or the brown meat on the bottom?

Both are the same age. Both have been sitting in a refrigerator, side by side, for 5 months.

Mr. Speaker, the meat on the top has been packaged in carbon monoxide which causes the meat to look red and fresh long into the future. The meat on the bottom has not, and is brown and slimy. Like I said, the meat on the top is 5 months old and looks as good as new, but it is not. If you consume it, you could become severely ill from a food-borne pathogen like E. coli, and possibly die.

Packing meat in carbon monoxide without labeling is consumer deception at its best; and at worse, it could become a major health threat. The FDA, without looking at any independent studies, has determined it has no objection to allowing meat to be packaged in carbon monoxide. The FDA merely reviewed the meat industry’s carbon monoxide proposal. By allowing the injection of carbon monoxide in meat...
and seafood packaging, the meat industry stands to gain $1 billion a year because as meat begins to turn brown, consumers reject it.

Color is the most important factor the public uses to determine what meat they buy on the market, dating back to 1972. Yet, the FDA, in making its decision, only looked at information provided to it by the meat industry.

We want to do everything we can to keep them safe. But there are some standards and we don’t worry about the health of their citizens from this deceptive practice.

The National Farmers Union, Consumer Federation of America, the Center for Science in the Public Interest all advocate the right to label this food should be protected.

One more prop. Take a look at this Coke can. Differing States have different deposit amounts on it. States like Georgia has 10 cents; States like Michigan has 10 cents; States like Massachusetts, Maine, Hawaii, 5 cents.

According to this rule, there is no uniformity, every State does it a little differently. It will still exist, but under the Rogers amendment, we can’t protect our meat from carbon monoxide. Why do we have to have one standard here, but when it comes to returning the deposit, we would have standards and we don’t worry about uniformity? Let’s pass the motion to recommit.

I yield 1 minute to the Democratic leader.

Ms. PELOSI. I thank the gentleman for his leadership on this important motion to recommit.

Mr. Speaker, I am absolutely certain that every woman who served in this body and who is a mother has the same question in their collective mind as I travel across the country as House Democratic leader. Why did you get involved in politics?

I always respond in the same way. As the mother of five children, and now the grandmother of five grandchildren, I view my work in politics as an extension of my role as mother. All of us as parents want the best for our children. We want to do everything we can to keep them safe. But there are some things that are not in our power. For that reason, we support air, for clean water and for food safety.

Today Republicans in Congress are shredding the food safety net that we have built in our country, and this bill puts our children and future generations at risk. This bill, and the words in it, should be fighting words for moms across the country about the safety of their children.

The effect of this bill is that the FDA in making its decision, only looked at information provided to it by the meat industry.

Mr. Speaker, that is why I am opposing this legislation. The effects of this bill are frightening. It undermines the lifesaving laws in place throughout our country, voiding approximately 200 State laws and labeling. The bill will do away with shellfish safety standards, laws in at least 16 States, milk safety laws in 50 States and restaurant and food service establishments, again in all 50 States. That is why 39 attorneys general, Republicans and Democrats, are opposing this bill, because it increases risks and undermines consumer protections.

That is why I urge my colleagues to support the Stupak amendment motion to recommit.

You be the judge. When you shop for meat or fish, do you want to know how long it has been on the shelf? The motion to recommit would ensure States whether companies could treat packaged meat and fish with carbon monoxide to make them look better.

Mr. Speaker, they say that a picture is worth 1,000 words. With that thought, I will yield back my time, but I would oppose the motion to recommit and support the underlying bill.

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

Mr. BARTON of Texas. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore (Mr. PRICE of Georgia). The gentleman is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Speaker, I want to thank you and thank my friend from Michigan for offering the motion to recommit.

Let me say right up front that I don’t want to eat anything that has been sitting in the refrigerator for 5 months that hasn’t been cooked. Nobody is for that. I don’t believe anybody is. I would point out, though, that nothing in this section prohibits me from establishing a freshness dating State provision. It is on page 14, and it starts in line 11, and it goes through line 16. Nothing in this section or section 403(a) relating to food shall be construed within State or political subdivision of the States from establishing or enforcing or continuing in effect a requirement relating to freshness dating.

The gentleman from Michigan’s underlying motion to recommit does not really deal with the dating aspect, as in dating the food, trying to go out on a date with some food, you know. It relates to the fact that it would prevent carbon monoxide, CO, from being used as a preservative in the packaging. The United States Department of Agriculture and the Food and Drug Administration have, for the last 4 years, permitted that. Right now there is a procedure at the FDA on a citizen’s petition that is directly related to Mr. STUPAK’s motion to recommit.

There is absolutely no need to legislate in this area. If, in fact, there is something wrong, and there is nothing wrong, there is no scientific basis at all to say that using carbon monoxide as a preservative, when you package the food, is a health hazard or a scientific problem at all. But if it were to be, the FDA has a proceeding right now. Plain and simple, this is more of a marketing, competitive issue. There is a company that is at a competitive disadvantage, and they would like to see carbon monoxide not be allowed to be used.

That is a whole different market-based issue. That is not a legislative issue. I would oppose the motion to recommit and support the underlying bill.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken, and the Pro tempore announced that the ayes had it appeared to have it.
So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). The question is on the passage of the bill. The question was taken; and the ayes appeared to have it.

The result of the vote was announced.

Mr. MARKEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered. The SPEAKER pro tempore. This will be a 5-minute vote.

The vote by electronic device, and there were—electronic votes, noes 139, not voting 10, as follows:

[Roll No. 33]
Mr. DEFAZIO. Mr. Speaker, I rise today to talk about foreign ownership of critical United States infrastructure assets. A number of people have followed the controversy regarding the UAE control over a number of critical American ports.

Now, there is certainly some room for concern there, as many of us have spoken previously. The UAE was very closely tied to the perpetrators of the 9/11 attacks. They were one of three governments in the world that recognized the Taliban.

They have recently been useful and helpful to the United States of America, but the history is not great, and people may have been embedded years ago in their government who would control it, it is not a private entity, which would be not friendly towards the interests of the United States. So there is concern there.

And the concern is even compounded by the fact that we do not know who owns the ships. The U.S. has bound itself through international agreements that allow secret ownership of ships under flags of convenience, countries that barely exist or do not exist, Liberia, for example. Many get very happy to make money on this, but turns a blind eye. Osama bin Laden could own a fleet of ships. We are not allowed to know. But they can dock here in United States.

We have done nothing about that. We do not know who crews the ships. They can buy papers in the Philippines and in International Maritime Organization School that the U.S. has been forced to recognize by being part of this agreement. And again, we do not know who these people are.

So we do not know who crews the ships, we do not know who owns the ships, we do not know what is on the ships. They have to send us a manifest and tell us what might be on the ship. It is an electronic transmission or a piece of paper. That does not mean that is what really is on the ship.

We do not track the ships from port to port, so they could have stopped somewhere. Even if they do not have a nuclear bomb on board when they left Singapore, they could have picked one up on the way. And then we do not have the equipment that we need on this side of the ocean.

So that is a tremendous concern. If you add on the concern of the ownership of Dubai, it reaches even higher proportions.

But I also rise to talk about something else the Bush administration is trying to do, something is everything. National security is second or tertiary in terms of their concerns. They are trying to reinterpret the meaning of the word “control.”

They said, when Congress said foreigners cannot control U.S. airlines, Congress did not mean control. In fact, in their world they are saying, well, foreigners could control U.S. airlines, they could only constrain them commercially, but they could not safety and security.

If you have foreign management, foreign ownership, how do you walk off safety and security? So they are proposing, by administrative rule, some time later this month or early next month, to defy the dictionary and legal interpretations of control and say Congress did not mean what it said.

Now, if you think there is an outcry about the ports, wait until we are sending U.S. troops overseas on what is called part of the Civilian Reserve Air Fleet. The large planes that our airlines fly are actually part of the Reserves, and we fly our troops with these planes over to the Mideast and other trouble spots around the world. Wait until we are asking U.S. troops to get on board a plane being flown by a pilot from Dubai or from Indonesia or somewhere else around the world. This would be an extraordinary national security problem, in addition to losing domestic air service. Because what is happening here is airlines like United, our airlines been managed into the ground by overpaid CEOs, and others are looking to sell themselves out to foreign airlines. Their first choice is Lufthansa, but they may well go with this UAE and then most of their domestic service, shed the wide-body planes and bring in foreign pilots to do the overseas routes and provide minimal domestic service.

So not only are we putting at threat our national security and the Civilian Reserve Air Fleet, we are also putting at risk the American public and we are certainly degrading the capability of providing the service we need to have a system of universal air transport which serves our economy and our interests in the United States of America.

This is a colossally bad idea with the Bush administration trying to do it in back rooms by pretending that when Congress said foreigners cannot control our airlines that we did not really mean it.

If the Bush administration persists in this, 6 months or a year from today, we will be here on the floor of the House if this Congress does not preempt this, which they have thus far refused to do. If they do not preempt this, we will be here arguing about the UAE or Indonesia or some other country taking over a major U.S. airline and the assets of our Civilian Reserve Air Fleet. We should preclude that.

Next week when we bring up prohibition of ownership of critical infrastructure assets, airlines should be part of that bill. There is big resistance from the administration and some of the leaders. The leadership has to overcome that and do what is right for the American people and national and economic security.

UNFAIR CHINESE AUTOMOTIVE TARIFF EQUALIZATION ACT

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, the United States national
much pleased to hear the President talk about the importance of maintaining America’s competitive edge in an era of increasing global economic competition. This is an urgent issue facing our Nation and one on which I think there should be strong bipartisan support. In fact, many of us in this House have been working for some time on what we call an “innovation agenda” to ensure that America stays number one in international economic competition. Indeed, last fall House Democrats unveiled a blueprint for an innovation agenda.

So I was pleased with many of my colleagues to hear the President join this effort in the State of the Union address. He said this was going to be a priority. In fact, that night he told the American people, “Tonight I announce an American competitiveness initiative, too, because his rhetoric that frightens our workers out of our economy and give our Nation’s children a firm grounding in math and science.”

He went on to talk about the importance of the No Child Left Behind Initiative and proposed an increase in training teachers for math and sciences.

Now, a few days after the State of the Union address, the President sent his budget to Congress. Now, we all know that the budget is what a true reflection of the President’s real priorities. That is where the American people have a chance to see whether the President’s words at the State of the Union address are backed by action. That is his opportunity to show that he means what he says. And I must confess, I was very disappointed with the President’s budget and I believe the American people will be disappointed, too, because his rhetoric that frightens our workers out of the State of the Union in this Chamber was not matched by the reality of his budget.

He may correctly want to invest more in math and science, but if you look closely at his budget, $115 million of the $380 million investment is simply taken from other important education initiatives. It is a shell game. Out of one pocket, into another. And what is worse, if you look at the President’s proposal for No Child Left Behind, which he talked about in his State of the Union address, this year it is $15 billion dollars short of what this House and this Senate and the Congress and the President said they would provide. And that is cumulatively $40 billion short of what had been pledged.

Now, what about higher education? Our students in this global economic competition has to be able to compete in a knowledge-based economy. Yet students and families are seeing across this country increasing tuition rates, making it harder and harder for them to pay for the tuition and making college out of reach for more and more Americans.

What did the President and the Congress do? The day after the State of the Union address, this House passed a budget reconciliation bill that cut $12 billion on student aid, the biggest rate on student aid in the history of this country, passed by the Republican Congress. And with the stroke of a pen, the President signed the bill and made college more difficult for many millions of Americans to reach.

Now, the President also told us in the State of the Union address that to maintain our competitive edge we have to invest in scientific research, and he is right. But, he is not consistent, rightly, his investment in the physical sciences, if you look at the medical research budget, it is flat. And in fact, if you look at 18 of the 19 institutes at the National Institutes of Health, they are cut. This violates sort of the first principle that doctors have in medicine: First, do no harm. Those cuts will harm our ability to maintain our competitive edge in the medical research area. We need to get serious.

I am proud to have joined with my colleague, Mr. Dreier, to introduce a number of new provisions with respect to maintaining competitiveness, as well as others.

The President also told us what many of us already knew: that we are addicted to foreign oil. If you look actually at his proposals in this area, they are rather anemic. In fact, his budget cut our investment in the National Renewable Energy Laboratory. And Americans may remember the White House just a few weeks ago when the President wanted to go out and visit the National Renewable Energy Laboratory only to discover before the great photo-op that his budget had cut funding for that, and 38 employees were laid off. So they had to scramble around to rehire those employees so the President could get his sound bite and his photo-op.

We have got to put aside the sound bites and the photo-ops. And instead of having the sound bite policy, we need a real energy policy. And again, many of us have worked on legislation in this area.

Mr. Speaker, I think the message is clear: You have to not just look at what people say but what people do. I urge the American people to recognize the gap between rhetoric and reality in the President’s budget and see that there are alternatives that many of us have proposed.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Dreier) is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, I ask unanimous consent to claim the time of the House. (Mr. DREIER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)
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. Poe) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, our porous southwestern border is getting worse by the day and the number of illegal entries into the United States continues to grow at a ridiculously rapid rate.

Just yesterday, a study released by the Pew Hispanic Center said that the population of illegals is growing by 500,000 a year. This is because of the lack of border security in this country. Our government’s failure to slow this illegal action is fueling financial crises to American taxpayers, especially those in the 24 counties along the 2,000-mile border between the United States and Mexico.

The costs that come along with this are draining local communities as they struggle to find money for health care, education, and other social service costs associated with caring for illegal individuals. Unfortunately, the people that pay for this illegal activity are American citizens, not illegals. Americans pay the price for illegal immigration.

Unrestricted illegal immigration throughout Texas and the entire United States drains local cities of money that should be used elsewhere. About 20 percent of health care costs, 20 percent in education costs, goes to those illegally in the United States. They take from America and do not pay.

According to the USA Today, in 2004 there were 1.14 million arrests along the U.S.-Mexico border. There are not nearly enough Federal detention centers to house all of these individuals; therefore, some are captured and then released. This catch-and-release policy defies common sense.

Meanwhile, Mr. Speaker, there are approximately 10,000 FEMA trailers sitting in Hope, Arkansas that have never been used. They were not used in hurricane recovery because FEMA has not been able to send needed relief, so those trailers cannot go to flood-prone areas, so they were never used for individuals who had to evacuate because of Katrina and Rita. So why don’t we take those 10,000 trailers down to the Texas-Mexico border and when we capture people illegally in the United States, why don’t we put them in those trailers and house them there until they can be deported?

Mr. Speaker, the violence along our southern border continues to increase and violent confrontations between drug smugglers and law enforcement officials is at an all-time high. Local Texas sheriffs have come to expect violent resistance when they encounter drug smugglers and human traffickers.

Not to mention our sheriffs are outgunned, outnumbered, and out-financed by these outlaws. Drug cartels and coyotes, those individuals who smuggle other individuals into this country for money, have gone so far as to hire contractors from other countries to bring drugs and people across the United States, across our borders.

According to the Washington Times, in the past 5 months the U.S. Border Patrol has detained 42,000 illegals who were convicted criminals or persons wanted for crimes committed at our borders. Last year, apprehension costs, goes to those illegally in the United States.

Texas and the entire United States drains local cities of money that should be used elsewhere. About 20 percent of health care costs, 20 percent in education costs, goes to those illegally in the United States. They take from America and do not pay.

The University of Texas at El Paso has a study that found the following: Treating illegal immigrants in hospitals accounts for nearly one quarter of the uncompensated costs at border county hospitals in our country. Cochise County, Arizona spend tens of thousands of dollars picking up trash left at campsites by these illegals. Prosecuted and jailing illegals costs this county an additional $5 million a year. And 23 percent of Cochise County’s budget is paid to health care for the unmentioned 23 percent of those people are illegally in the country.

Our out-of-control border is not only affecting the taxpayers, it is also affecting local law enforcement officials. According to the USA Today, in 2006 there were 1.14 million arrests along the U.S.-Mexico border. There are not nearly enough Federal detention centers to house all of these individuals; therefore, some are captured and then let go. Others are put in local jails, and once the taxpayer and local communities are left to foot this bill.

I have been down to the Texas-Mexico border and I have spoken firsthand with numerous sheriffs in our communities. They are struggling and they need more help from the Federal Government. We have a policy in this country that we capture individuals who are illegally here and then release them. That catch-and-release policy defies common sense.

In the 2006 election, President Bush said he wanted to run as a compassionate conservative, and when you look at what has happened and the chaos that is caused by this administration in every one of these areas, forget just compassionate conservative. I would settle for a competent conservative at this point.

The response by this government in every one of these areas that created this kind of chaos is, just take Iraq, for example, just as recently as this weekend. You have our ambassador saying that Iraq is on the beginning of a civil war. Joint Chiefs said that things are actually going well and Secretary Rumsfeld, Secretary of Defense, said that we know nothing about the press does not accurately report. So either we are on the brink of a civil war, everything is going well, or the American press is actually to blame for what is happening in Iraq.

We have actually sent troops to battle without enough Kevlar vests. We have sent troops to battle with Humvees and turn our men and women into scrap metal collectors. When we had to oust Iraq from Kuwait, we sent 138,000 troops and Paul Bremer, the President’s personal ambassador there to run the country, asked the Secretary of Defense, asked the President for more troops, and nobody responded.

What is the Republican Congress’s response to that? Not a single question, not a single hearing, never asking a single question. This is the hearsay no evil Congress. No oversight. Out of the $480 billion appropriated, $10 billion cannot be accounted for, and nobody’s asked a single question or had a single hearing, and in fact, they have opposed oversight to war profiteering commissions like we had in World War II.

So this Congress on Iraq, see no evil, hear no evil, stay the course, do not ask any questions, do not understand how we got to a situation where there is a failure on the intelligence, a failure to adequately supply our troops who are fighting valiantly, and they deserve a civilian leadership that is up to the kind of valiant leadership and
valiant efforts that they are, but on Iraq, not a question out of the Congress, not a change of course out of the President. They have rubber-stamped that policy.

Take the issue of Katrina. We all saw the tape last week of the President of the United States on that issue. Not a single question. We have had an American city literally wiped out, and what is the response? Billions of dollars are gone. Who is checking the books? Not this Congress. Just keep going, writing hot checks over there, and, again, compounding the away with mistakes, no services. We have trailers that are unoccupied. Nobody wants to ask the questions. See no evil, hear no evil Congress, rubber-stamp the policies. People are still dispersed, and nobody’s back where they want to live, and we have trailers we bought with nobody living in them, but nobody wants to ask the question. See no evil, hear no evil, just rubber-stamp the policy.

What happened in Katrina? We now know for a fact that the government was warned beforehand that this was going to be the big one, and the head of the Homeland Security Department, he is still there and not being held accountable for what happened, and denied, when they said nobody knew this was going to happen, we now know 48 hours, not because they wanted us to know, but 48 hours beforehand they were notified that this was going to be the big one, that people in the Dome were going to be hurt, that they did not have the ability to evacuate everybody. Yet, the government fell down on its responsibility.

When you look at what has happened now in New Orleans and you are reminded of the fact that when George Bush ran for President in 2000, he said he was opposed to nation building, and you look at New Orleans today, who knew it was America he was talking about? Our schools, our health care system, the economy, the ability to be able to get back on their feet and get their lives moving again, this Congress, not a question, see no evil, hear no evil, rubber-stamp the policies. There we are again. The American people have been let down by their elected officials and this Republican Congress, this President.

Take the economy. We now have for the last 4 years added $3 trillion to the Nation’s debt, $3 trillion. Every year for the last 4 years, they have come and asked for another raise in the debt ceiling of close to $800 billion. By this time, end of a couple of months, we are going to be close to $9 trillion in debt accrued in the last 4 years by this administration. Yet median incomes are down for the average family. Health care costs are up 58 percent. Education costs are at 38 percent. What does this Congress do? Stay the course, do not change the course, same old policies that got us right to where we are, an endless occupation and a jobless economy.

HONORING LAVERNE DUNLAP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. CHOCOLA) is recognized for 5 minutes.

Mr. CHOCOLA. Mr. Speaker, in light of Women’s History Month, today I rise in honor of Laverne Dunlap. Laverne Dunlap’s career spanned 35 years of service with the Michigan City, Indiana, Police Department. Her story is much more than just a story about a public servant. It is a story about a pioneer.

The story actually begins in Greenwood, Mississippi, where Laverne was born. At the age of 5, she moved to Kingston Heights, Indiana, with her family. In 1963, she moved to Michigan City, but she never forgot where she came from, and at the age of 21, she traveled back to Greenwood, Mississippi, with a traveling band to perform in her hometown.

Mr. Speaker, I believe that the true test of greatness is not how someone responds to success, but how they respond to failure. The choices we make when we are in the midst of trials and tribulations are the true reflection of our character. Well, Mr. Speaker, one night in Greenwood, Mississippi, Laverne Dunlap’s character was tested, and like many before her and many after her, she turned her trials into triumph.

While swimming in a pool in the hotel where she was staying, Laverne and her sister were roughed up and arrested by police. Their crime, swimming in a pool only meant for white people. This was the moment when Laverne Dunlap knew her destiny was to become a police officer, not to exact revenge, but to make sure that those wearing the uniform of trust could truly be trusted.

In 1971, she joined the Michigan City Police Department with one other woman named Sue Bitter. They were the first women on the Michigan City Police Force, and throughout her 35 years, she faced, juvenile crimes, uniform division, undercover, and she even spent some time driving the scuba team’s boat.

She has earned the respect and admiration of her peers, her family, her community and certainly her Congressman. I congratulate her on her retirement and wish her the best of luck as an inspiration.

Thank you, Laverne. You are a public servant and an inspiration.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. There is no objection to the request of the gentleman from Nebraska.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. FORTENBERRY) is recognized for 5 minutes.

Mr. FORTENBERRY. Mr. Speaker, I ask unanimous consent to speak out of order.

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. FORTENBERRY) is recognized for 5 minutes.

Mr. FORTENBERRY. Mr. Speaker, First Lieutenant Garrison Avery died Wednesday, February 1, from injuries he sustained while serving in Iraq. The personnel carrier in which he was traveling hit a roadside bomb, killing him and three fellow soldiers. He was 23 years old. He leaves behind his wife Kayla, his bride of just 8 months.

Garrison was the son of Gary and Susan Avery of Lincoln, Nebraska. He graduated from Lincoln High School in 2000 and from the U.S. Military Academy in West Point, New York, in 2004. He then signed up for Army Ranger training, and with his strong intellect and fierce dedication, Garrison Avery became a decorated member of the United States Army, serving in Iraq with the 101st Airborne Division from Fort Campbell, Kentucky.

In his service and in his life, Garrison exemplified the solemn virtues of the great American soldier: The drive and purpose that compelled him at 17 years old to earn his parents’ permission to join the Army; the seriousness and excellence that propelled his decorated graduation from West Point; the humility and dignity that kept him from speaking of his numerous special honors awarded for excellent service; the compassion and justice that drove him beyond the call of duty to help Iraqi children, orphaned by the war; the strength, honor and courage he displayed as an officer, leading his troops in the midst of battle; and the faith, love and respect he gave to God, to his family and to his country.

We are also indebted to Garrison’s beautiful family. Their love, their nurturing, and their support formed him, guided him and helped him. His memory will live on through his family and friends, but also in the hearts of the community he bravely protected.
First Lieutenant Garrison Avery died an American soldier, and America will be eternally grateful for his sacrifice.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. Cummings) is recognized for 5 minutes.

Mr. Cummings addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. George Miller) is recognized for 5 minutes.

Mr. George Miller of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. Wasserman Schultz) is recognized for 5 minutes.


The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. Millender-McDonald) is recognized for 5 minutes.

Ms. Millender-McDonald addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. Corrine Brown) is recognized for 5 minutes.


The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. Corrine Brown) is recognized for 5 minutes.


30-SOMETHING WORKING GROUP CELEBRATE WOMEN'S HISTORY MONTH

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 4, 2005, the gentlewoman from Florida (Ms. Wasserman Schultz) is recognized for 60 minutes as the designee of the minority leader.

Ms. Wasserman Schultz. Mr. Speaker, last I want to take this opportunity to thank House Democratic Leader Nancy Pelosi for the opportunity for the 30-Something Working Group to talk for an hour about the things that we know are important to our generation, and also to explain and discuss our views on our generation’s perspective on a lot of the issues that are important and facing Americans today.

Tonight I am really pleased to be joined during Women’s History Month by two of my distinguished colleagues who are members of Leader Pelosi’s 30-Something Working Group, Congresswoman Stephanie Herseth from the great State of South Dakota and Congresswoman Linda Sánchez of California. The three of us make up a very unique body in this group. We are three of only four women younger than 40 years old in the United States House of Representatives.

We are here this evening to celebrate Women’s History Month, to remember those who have contributed to our progress, to recognize the women of our generation who are changing communities today, and to highlight the challenges that young women under 40 face as a result of the flawed and failed policies of the Bush administration.

This year’s theme, Mr. Speaker, for Women’s History Month is Women: Builders of Communities and Dreams.

This theme speaks to the legacy that women leaders have built over the generations.

Mr. Speaker, as advanced and progressive as America has been on issues improving the lives of women, our nation still lags far behind in terms of policies to assist women in their struggle to lead or achieve.

Today women represent more than half the population and are among the most knowledgeable and important thinkers in every field of policy, from science to education, to health care and national security.

As the mother of two young daughters, it is so important to me to see that strong women walk in all walks of life, and I want them to see strong women in all walks of life, particularly so that we can see that those women join our ranks here as policymakers.

I want them to understand that from Title IX to the Equal Pay Act, that they are standing on the shoulders, as we do here, of the courageous women who went before them.

None of the three of us would have had the opportunity that we did at our stage in life without our colleagues who came before us in this body, without their shoulders to stand on, and I want them and other young women and girls to have the same opportunities that we have been given.

Unfortunately, the President apparently does not share those same views because in his 2007 budget proposal he slashed programs established to give young working mothers a leg up, like Medical and Food Stamps and child care. He cuts programs aimed at preventing domestic violence and programs that provide domestic violence victims with housing and legal assistance.

I am sorry to say that domestic violence affects far too many women, and even growing number of young women. Forty percent, Mr. Speaker, of teenage girls ages 14 to 17 report knowing someone their age that has been hit or beaten by a boyfriend, and 26 percent of girls, ages 9 through 12 have been the victim of abuse.

So tonight we are here because training, education, and employment statistics clearly indicate that women still face barriers in pursuing traditionally male-dominated fields. For instance, while the number of women pursuing degrees in higher education has increased dramatically, the rates of women pursuing college degrees lags far behind.

Recent data shows that women account for only small percentages of students earning engineering degrees, including only 20 percent of bachelor’s degrees, 21 percent of master’s degrees, and only 17 percent of Ph.Ds.

We are here, Mr. Speaker, because the Republicans’ prescription drug plan is a particularly bad deal for America’s women. Women are frustrated and concerned by the phony government health and prescription drug care is only for the aged, you should know that 63 percent of Medicaid beneficiaries were between the ages of 18 and 44 in 2001, and 97 percent of the women ages 18 to 44 use some type of prescription drug, they use at least one prescription drug on a regular basis. Those are not senior citizen statistics.

We are here tonight because 36 percent of the 8.4 million working women, executive, administrative, and managerial occupations are under 44 years old, and, on average, women are still making about 76 cents for every dollar that a man makes.

We are here because opponents of the Family and Medical Leave Act are working to hamstring that program, even though it is in its 12th successful year, and more than 50 million Americans have displayed their enthusiastic support by taking job protective leave to care for a new baby, a seriously ill family member, or to recuperate from their own serious illness. And the gentlewoman from California (Ms. Sánchez) is going to be covering how the administration’s policies have impacted working women and working families in particular.

And we are here because there are not too many of us to speak up, and we must make our voices heard. We are 26 men under 40 serving in the United States Congress, Mr. Speaker. They have several voices. More than several.

We are here because if we do not stay late on this floor, if we do not stand up and try to make a difference on behalf of young women and young families and bring these issues that are important to them to the table, the three of us together, 3 versus 26, then who will? That is the question that we would like to answer tonight.

I am happy to yield now to my good friend, the gentlewoman from California.

Ms. Linda Sánchez of California.

Ms. Sánchez. Mr. Speaker, I am excited and honored to be here tonight to help celebrate Women’s History Month. I am hoping tonight that my colleagues and I can share with everyone what it is like to be a young woman in Congress and how we got our start here.

In addition, I am interested in sharing my thoughts on where women stand in today’s workforce. I am proud
to stand here tonight with Representa-
tive DEBBIE WASSERMAN SCHULTZ and Repre-
sentative STEPHANIE HEROSETH be-
cause together we make up the young-
est women in the U.S. House of Rep-
resentatives. It is my hope that some-
day soon there will be more than just three of us here. I think it would be fantastic if we could fill up at least half of this Chamber with bright energetic women from across America.

I want to talk for a moment about women in the workforce, because every morning in households across America, women rise. We rise for work, we rise to care for children, we rise for the love of our jobs and for the love of our fami-
ly. We rise to put food on the table, and we rise to make ends meet. Above all, we rise to our calling because we can, because we are capable.

No matter what a woman does for a living, we as women have a lot in com-
mon because it was not so long ago that we were forced to hide in the shadows of the American workforce. Today, we are a strong and vital part of the American economy and more women work outside the home than ever before. We continue to gain more access to education and achieve pro-
fessional successes in all fields. But have we truly reached equality in the American workforce? Sadly, the an-
swer is no.

The Equal Pay Act was passed more than 60 years ago, yet women still only make 76 cents for every dollar that a man makes, even when accounting for factors such as occupation, industry, race, marital status and job tenure. This gap has persisted for two decades. The glass ceiling is as shiny as it ever was. The glass ceiling is as shiny as it ever was.

In every field, the higher up you go, the fewer women you see. And if you look in the other direction, women still remain disproportionately con-
centrated in lower-paying jobs. This means that it is far more likely for women to live in poverty than men. The bottom line? Don’t be fooled. While we are making gains, true work-
fare equality remains an elusive goal. But it is a goal I am not willing to give up on.

Tonight, we celebrate Women’s His-

tory Month because we have come so far after so much struggle and we de-
serve an opportunity to reflect our suc-

cesses. Today, we are here to honor the successes of pioneering women who came before us, to examine where we are now, and to prepare for the future.

We already know that women are smart, but no matter how smart you are, it is tough to win when the rules dictate unequal pay for unequal work. A colleague of ours, Congresswoman DELAURO, has introduced the Paycheck Fairness Act, legislation that would take away women’s ability to negotiate for equal pay, create strong incentives for employers to obey the laws that are in place, and strengthen Federal outreach and en-
forcement efforts. I encourage people to call their Member of Congress and let them know that they support H.R. 1687, the Paycheck Fairness Act.

Right now, there are only 88 cospon-
sors on Congresswoman DELAURO’s bill. Out of the 435 elected voting Members of the House of Representatives, that still leaves 347 Members of Congress who have yet to support this bill. Now, I cannot imagine why 347 Members are not willing to stand up for women’s pay equality for our daughters, moth-
ers, and sisters. Mr. Speaker, I hope people pick up the phone and remind their Representatives to get on this bill and show that they truly value women’s contributions in the work-
force.

Women’s increased access to higher education will be a moot point until our society provides better policies for women. We owe it to our mothers, sisters and daughters. And while talking about better policies, I want to briefly touch on the minimum wage. Democrats in Congress are committed to raising the minimum wage to ensure that no one who works for a living lives in poverty.

While the number of Americans in poverty has decreased from 37 million since President Bush took office, the minimum wage has been frozen at $5.15 since 1997. Democrats introduced the Fair Minimum Wage Act of 2005, legis-
lation that would raise the minimum wage from $5.15 an hour to $7.25 an hour and help lift millions of Amer-
cans out of poverty. Women and chil-
dren are the number one victims of poverty in this country, so I think it is important to remember that by raising the minimum wage we will be significa-

tantly raising the status of women and children.

In order to truly commemorate Wom-

en’s History Month, I think we need to
remember that actions speak louder
than words. I know the American pub-
lic is tired of hearing politicians high-

light our country’s problems without
offering any real-life solutions. To-
night, I have touched on two problems and I have named two real solutions. But I feel like the work is only beginning. All that is left for us to do is to act.

Let us achieve real pay equity for women and raise the minimum wage. Together, America can do better on be-
half of all women and all working fami-
ly.

Mr. Speaker, at this time, I am pleased to yield back to the Repre-
sentative from Florida.

Ms. WASSERMAN SCHULTZ. I thank my colleague, and I will now yield, Mr. Speaker, to the gentlewoman from South Dakota.

Ms. HERSETH. I thank the gentle-
woman from Florida and both of my colleagues. Mr. Speaker, I am just so pleased to be here this evening joining with my 30-something fellow Demo-
cratic women in honor of Women’s His-
tory Month.

I look forward through the course of the next partial hour to talk about suffrage, such an important part of women’s history, and getting our right to vote so that the three of us can be standing here today having the support of so many women in the constituents that we represent; being able to exer-
cise our voting privileges on this House floor because of the importance of the suffrage movement in this country.

I also look forward to talking about some unique perspectives I would like to share, representing a rural district, about rural women and the role that they played in suffrage for women’s history and getting the right to vote, some of the unique challenges they face for employment opportunities, hate crimes for rural women, also to spend some time talking about Title IX and its importance for all women.

I am very honored to be here tonight, as I mentioned, and I want to reiterate the thanks that Ms. WASSERMAN SCHULTZ and Ms. SÁNCHEZ gave to our leader, NANCY PELOSI, who herself be-
came such an important part of wom-

en’s history in being elected the first woman as the Democratic whip, fol-

lowed by the first woman to be elected leader of one of the political parties represented here in this House of the people. To be joining all three of them tonight is particularly important as we share our ideas on issues important to women in honor of Women’s History Month.

I also think it is important through-
out the next few minutes for each of us to share what brought us here in the first place and how we benefited from the women who paved the way before us. I am a farm girl from South Da-

kota. The small town near where I grew up on the farm, population less than 100, Houghton, South Dakota, is a long ways from the House of Rep-

resentatives. But I would venture to
guess that some of my experiences reflect some similarities of my two colleagues and other women that we work with here in the Congress. Many women serve in the Senate and our State legislatures, our county commissions, school boards and city councils, and I think one of these days, the White House.

Now, I was born on a farm and ranch, third generation in the family, and my dad, like his dad before him, continues to work and ranch, so I represent the eastern part of South Dakota. But while farming and ranching were our livelihood and our profession, we had another passion, and that was State government and politics. My grandfather served as Governor in the late 1930s, my grandmother served as Secretary of State in the 1970s, and my dad was in the State legislature. As my mom likes to say, it wasn’t just in the blood, it was part of the genetic code.

And so when we share these experiences, it is in our own children, our nieces or our goddaughters or our cousins, I think it is important that we make it part of the dinner-table conversation, as I would imagine the three of us had in many respects. It is one thing that has substantially changed for our generation. I think for earlier generations of women, they maybe didn’t have the exposure or the influence and the encouragement to be part of the debate about public issues and to be encouraged to seek public office.

As I travel across my district, as I am sure my colleagues do, you see these young girls, 8 years old, 9 years old, 10 years old, and they come up and they want their parents to bring them to an official meeting or some other public event and they tell you they want to serve in Congress someday or they want to run for Governor. And it is so heartening because it reminds us of the powerful role that women, not just famous women, but some known, but many more unknown, and I applaud the bravery and resilience of those who have helped all of us, you and me, to be here today.”

Well, among some of these women is Esther Morris who was the first woman to hold a judicial position, who led the first successful State campaign for woman’s suffrage in Wyoming in 1869. Also we have Carrie Chapman Catt. She revitalized the National American Woman Suffrage Association and played a leading role in its successful campaign to win voting rights for women. In 1920, she founded the League of Women Voters upon ratification of the 19th amendment to the Constitution.

Carrie Lane was born in Wisconsin, and at the age of 7, her family moved to rural Iowa where she graduated in 1877. She graduated from the Iowa Agricultural College and model farm in Ames, Iowa. I make note of agriculture here because I am the only Democratic woman serving on the Agriculture Committee, and only three of our Republican colleagues serve on that important committee. She then became the first woman in the Nation to be appointed superintendent of schools. This was in 1883.

In addition, the first woman ever elected to the United States Senate was Jeanette Rankin from Montana in 1919. And in South Dakota the first woman to hold an elected position in South Dakota was 1938, Gladys Pyle. And 66 years later, in 2004, they elected their first woman to the United States Senate. Gladys Pyle, and in 2004, they elected their first woman to the United States House of Representatives, and I shared that year with Cecilia Firethunder, a constituent of mine who became the first woman to be elected president of the Oglala Sioux Tribe on the Pine Ridge Indian Reservation in South Dakota.

So we are making strides every year, more to be sure. But I think it is very important that we celebrate and talk about Women’s History Month and the challenges that remain that we make mention of some of these women that went before us and the influence they had on the entire women’s movement and Women’s History Month, but some of the closer people that served as role models and influenced our lives.

I am curious to hear more about both of your experiences and what brought you to the United States Congress. Ms. WASSERMAN SCHULTZ, Mr. Speaker, as Ms. HERSETH was talking, I was struck by our diversity. Our commonality is we are all under 40, but literally we are from the East, Midwest and west coast of our country, California, South Dakota, and Florida. We also represent a very different ethnic and cultural diversity. We have a Midwesterner, a nice Jewish girl from the suburbs, and we have a Latina from the West Coast. You could not have more diversity than what is standing in this Chamber this evening.

What is wonderful about that is that is what the Democratic Party is all about. We are the party of the women. We are the party of the Democratic Party. We are the embodiment of what Democrats represent and stand for. It is not just amazing that we had the opportunity at the age we were when we each got involved, but it is, I think, particularly notable that for those of us with the opportunity to make it part of the dinner-table conversation, I think if we were attempting to get involved at the point we did in our lives and we were Republicans, it would have been a no-brainer. It made it so much more possible, because they strove to accomplish that, it made it almost if not a no-brainer. It made it so much more
reasonable for someone, for people like us to step up when we were presented with the opportunity. I was able to seize that opportunity when the seat opened up in the State legislature for me because so many women had paved the way before.

The experience I had in my race for Congress was so disheartening. I was successful obviously because I am standing here, but I actually had to deal with an opponent who spent the whole election, and this is Women's History Month, and she spent the whole election saying that I was a bad mother. She spent the entire election saying she was 20 years older than me and had waited until her children were grown before she thought about running, and basically I had some nerve running with young children. I have twin 6-year-olds, a boy and a girl, and a 2½-year-old baby girl.

I ran for them. I ran so I could show my little girls that there are so many things that are important that we do here, and that it is imperative that our perspective, our generation's perspective and the perspective of young moms and young women are here in this Chamber.

We deal with issues that I know we would not deal with if not for young women's presence here; women, period. But the statistic that strikes me is that in history, and I am a freshman, I am the least senior of the three of us, what I learned when I came here, and I know they probably told you this, too, when you came for your orientation, but we have had just under 12,000 people in American history serve in the United States Congress, and of those we literally have had just over 200 women out of 12,000 people.

Ms. LINDA T. SÁNCHEZ of California. When I ran for Congress, I had sort of a unique situation in that I had an older sister who was a trailblazer. She was born in 1954, and when I ran and was elected, we were the first two women of any relation to serve in the U.S. House of Representatives.

There have been over 1,000 male relationships, either fathers and sons, uncles and nephews, male cousins. Never in the history of Congress until the year 2002 had two women of any relation served in Congress. It is a stark contrast in terms of we are making strides, but we still have so much further to go.

Ms. WASSERMAN SCHULTZ. Absolutely. The thing that I learned that shocked me given that I am from Florida and we have the third highest Jewish population in our community in the country, I am the first Jewish woman to ever represent the State of Florida in the Congress. Our first U.S. Senator to ever represent Florida ever was actually a Jewish man, and that was back in the 1800s when Florida joined the Union. And it took until 2001 for Congress to send a Jewish woman to Congress.

The expression we have come a long way but we have a long way to go is an accurate one. We have so much that we can talk about. I think that the thing that I want to highlight is that we have issues that are important to women and families that would not get addressed if we were not here in the number of seats we are here.

Child care, subsidized child care in particular. I was shocked last year when I learned in the President's budget that he put forward last year that he actually proposed a drastic cut in the number of subsidized child care slots that we would fund. We are talking about how it is possible for us to stand on the shoulders of other women and even think about running. We are talking about service in the House of Representatives. It simply is not possible for women to work who are moms, especially single moms, if they do not have the ability to have their children cared for and well cared for. For so each successive budget that I have seen, yet again the President has opposed a cut in subsidized child care cuts.

It is just astonishing to me the priorities that this administration has where it seems to be more important to preserve tax cuts for the wealthiest few at all costs, and all of the women who need health care, who only get it when they are on Medicaid; never mind young children who receive Medicaid, and that is the only source of health care; never mind moms who need to work and have a place to send their children for quality child care. I just do not understand where their priorities are.

Ms. HERSETH. Just to make a note on the health care issues and child care, in South Dakota we are among the highest percentage per capita of women who work outside the home. Many of those women are single mothers, and those who are a second income earner, either off the farm or in town, they work not only with the children's health care costs, but access to a child care provider in many of our small communities. So the cuts to assist individuals but also some of the community development funds, the economic development funds that have been used effectively by rural communities to support entrepreneurs, many of whom would like to provide child care services for healthy communities, have been jeopardized, and one of the most egregious things is this administration as it relates to health care is they will sacrifice rural health care grants at almost every opportunity.

Many rural women are older. Many are eligible for Medicare and Social Security. But even young moms in smaller rural communities, we are talking about rural health care grants that go a long way to keep clinics open. And as she is struggling to also maintain a job and raise her children, you tack on to that the lack of having health care services, especially in smaller communities that are working to revitalize themselves, but the budget situation and the priorities that have been so misplaced have jeopardized and make it harder for rural women to even get access, let alone the affordable health care that they need.

Ms. LINDA T. SÁNCHEZ of California. If I could just add one of the things, and you are raising excellent points, women have so many challenges. Young women have so many challenges today. Young mothers have so many challenges today, such as access to affordable health care and access to quality and affordable child care.

Women disproportionately have lower-paying jobs that pay minimum and we have a raise in minimum wage to keep pace with inflation.

Really oftentimes I talk about the glass ceiling because there are still so many opportunities denied to women in the upper echelons of our workforce, but many women are just struggling to get up off the floor because they are working minimum-wage jobs and trying to raise kids. They are the heads of households. They face so hard challenges. And one of the best ways for women to get ahead, and this is something my immigrant parents really instilled in all of my brothers and sisters, I come from a family of seven, they said education is the key to opportunity in this country; you need to go to college.

When they told me this, it was a peculiar notion for a traditional Latino family to say not just the boys need to go to college, but the girls also should go to college. One of the ways I financed my education was with Pell grants and student loans, loans which I am still paying back today.

I still owe on my student loans. I make out that check every month. But it was the best investment I could have made in myself, because it opened the doors of opportunity.

When you talked about the President, his priorities being pro-life and opposite of what they should be, the first thing that jumped to my mind was they want to cut student aid programs. They want to freeze the maximum Pell Grant. Many young women who want to go to college rely disproportionately on Pell Grants and student aid to finance that and make that dream happen. Yet they are slashing that, which is, again, one of the best investments you could make.

If you talk about a young woman who is bright, she gets into college and cannot finance a college education, you are talking about not just making it that much harder for her to access these economic opportunities, but let's look at this realistically. If she is earning less because she is not able to get a college education or additional training, she is contributing less in the tax base in terms of our economy.

I think it is important to help people further their education and careers, because they become higher income earners, they pay more into the
tax base, they spend more in their communities to help stimulate the economy. Yet we have an administration and a President who thinks nothing of making the biggest cuts to the student loan program in the whole program’s history. More than ever, we should think about investing in young women, not foreclosing those opportunities for them.

Ms. WASSERMAN SCHULTZ. You are so right; the chocking of women’s opportunities at every level. Whether we are talking about the freezing of Pell Grants, this President has proposed freezing funding for Head Start. Head Start, the place where disadvantaged kids who it has been proven in study after study get their opportunity to succeed in school in a Head Start program, 19,000 kids would lose their opportunity to participate in Head Start.

Ms. LINDA T. SÁNCHEZ of California. May I mention that my older sister, who was the older of the two to be elected to Congress, was a Head Start child. That program helped her become prepared for school, and helped my sister and an education system that was totally foreign to her.

Ms. WASSERMAN SCHULTZ. We come from three totally different kinds of communities. Like you in your community, I get stopped in the supermarket, I get stopped at my son’s soccer games, at dance class, you name it. And the community I live in happens to be one that is sort of middle to upper middle-class, and it doesn’t matter whether kids, kids who it has been proven in study after study get their opportunity to succeed in school in a Head Start program, 19,000 kids would lose their opportunity to participate in Head Start.

Ms. LINDA T. SÁNCHEZ of California. I just have this to say. I have talked a little bit about priorities and we have talked about some very worthwhile programs that are being cut to the core, to the point where these kinds of services are going to be eliminated altogether, will be so crippled by lack of funding that they are not going to really function and serve the people they need to serve.

The question for me, and I get angry about this, I hear colleagues talk about how they care about breast cancer research, they care about preparing kids for kindergarten, they care about making sure that educational opportunities are available for everyone, yet they are calling for votes about slashing these programs to the core so they can give tax cuts to the wealthiest Americans.

If that is not the clearest example of misplaced priorities, I don’t know what else there is to say. If you are going to vote, put your money where your mouth is. So you can talk about supporting something, but if you are not willing to put your money into that to support it, you are just giving lip service to it. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Our colleague Rosa DeLAURO from Connecticut has introduced legislation in the area of breast cancer that we still cannot get brought to this floor that would deal with drive-through mastectomies. You have women in this country now who, after having their breasts removed as a result of breast cancer surgery, are forced out of the hospital by their insurance company in 24 hours and less after a radical mastectomy, regardless of what their doctor thinks.

What Congresswoman DeLAURO’s legislation would do is it would ensure that it is the doctor, in consultation with the patient, that would decide what the appropriate length of stay is. That is legislation I worked on in Florida, and it is one that we should apply nationally. Yet we cannot get a hearing, even a hearing, on that bill under the Republican leadership in this Congress.

That is why it is so important. Listen, I will say this straightforward. It is not just important that we have women serving in Congress; it is important that we have women who share the priorities of most women in America, who are willing to come here to the Congress and stand up for the things that we care about.

There is no point in having a woman here if she is just going to vote just like men have for generations, really, because why elect a woman then? We have got to make sure that we make progress, that we go forward. This leadership is not taking us forward. They
Ms. HERSETH. If the gentlewoman would yield further, we have been focusing quite a bit on where the budget issues have been placing new challenges on education because of the priorities that are so questionable as to what it relates to women’s health and education and equal pay and employment opportunities. But it doesn’t just stop there.

This administration will take any way it can see to take issues that have been so important to young women in particular to undermine some of those achievements through regulatory proposals.

Taking the enactment of Title IX, another phenomenal achievement as we celebrate Women’s History Month. Title IX has been an enormous success. It is a standard that for over 33 years now has ensured equal opportunity for women in athletics. The importance of Title IX, educational and health, but educational and athletic achievements of hundreds of thousands of young women, and because of Title IX young women’s participation, Mr. Speaker, their rate in athletics has increased 400 percent at the college level and 800 percent in the high schools.

Girls and women who participate in sports receive great physical and psychological benefits. I can attest to that. I was a basketball player in high school and ran track and cross country and tried to continue to be active, but wasn’t quite good enough for the Georgetown women’s basketball team back in the early nineties.

But when we look at how girls and women who participate in sports receive that kind of benefit, including higher levels of confidence, their stronger self-images and lower levels of depression, the importance of Title IX, I think can’t be overstated. Yet what does this administration do, but propose new rules to undermine it.

On March 17 of last year, the Department of Education, without any advance notice or prior notice, published a new Title IX policy under the guise of clarification that creates a major loophole through which schools can evade their obligation to provide equal opportunity in sports. The policy will allow the schools to gauge female students’ interest in athletics by doing nothing more than an e-mail survey and then to claim in these days of excessive e-mail spam that a failure to respond to the survey shows a lack of interest in playing sports.

The so-called clarification eliminates the school’s obligations to look broadly and proactively at whether they are satisfying women’s interests in sports and therefore prevents a new Title IX policy under the guise of clarification that creates a major loophole through which schools can evade their obligation to provide equal opportunity in sports.

Ms. LINDA T. SÁNCHEZ of California. If I could just add, you have mentioned some of the great benefits to girls and women participating in sports. It leads to better physical health. It leads to better mental health, lower levels of depression and in women who engage until regular physical activity. For girls, it promotes self-esteem and confidence that comes from gaining competence in something that they enjoy doing.

There are studies that even show that girls who participate in sports when they become women are more likely to leave abusive relationships than women who don’t engage in sports.

Ms. WASSERMAN SCHULTZ. I couldn’t agree with you more.

I think can

Ms. HERSETH. I always like to tell the story back in the early nineties.

Ms. PELOSI. I thank the gentlewoman for yielding, for her kind words. I commend the 30 Something women who are here, Congresswoman LINDA SÁNCHEZ of California, Congresswoman DEBBIE WASSERMAN SCHULTZ of Florida and Congresswoman STEPHANIE HERRERI of South Dakota.

As I came to the floor, I heard the 30 Somethings talking about Title IX. First let me say, I am joining the 30 Somethings as a mother of 30-somethings. But I really want to salute you, DEBBIE, especially for the lead that you have taken on this issue on the floor as the cochair of the 30 Somethings, and our colleagues who have joined you this evening for all of their exceptional leadership.

I heard you talking about Title IX when I came to the floor, and I do not know whether you mentioned this, because I was in a meeting before I got here, but in the Title IX fight, you cannot talk about it without saluting the great work of Patsy Mink, our former colleague, congresswoman from Hawaii. It was her life’s dream to pass the legislation for all of the reasons that you said, what it means in the lives of young girls and women in our country to have access to athletic and other privileges and rights of Title IX.

As Dana Reeve used the voice of their generation to the debate, not only the voice of women, but a Something woman who is bringing that potential of stem cell research with the miraculous potential of stem cell research that she would have a vote on the floor on it, and it was going to be very close. She could win or lose by one vote.

When she got up that day to come to the floor to fight for the cause, she just word that her daughter was in an automobile accident. So she had to be a good mom, just exactly what her instincts would be, up and left, and they lost by like one vote or something.

But she was so persuasive, and with Patsy Mink, she might as right away, because you are going to sooner or later. The Speaker gave her another vote. That is when the bill was passed, at a later time. But there can be no discussion of it without the determination and the courage of Patsy Mink.

I am pleased to join my colleagues in honor of Women’s History Month, a time to celebrate the historic contributions of women that they have made to our nation. We remember those who fought for our progress. We recognize those who are changing communities today, that being the theme, and we re-dedicate ourselves to expanding opportunity for women.

We have been so blessed in this Congress with our young women, the 30 Something women who are bringing not only the voice of women, but a voice of their generation to the debate, and they are making the great different.

In the past year, we have grieved the loss of several remarkable women who agitated and struggled for equality and progress. I call them magnificent disruptors: Rosa Parks, Coretta Scott King, Betty Friedan, and the lead she took yesterday we lost a person, Dana Reeve, who used her great personal challenge of her husband’s paralysis to work so that other families would not have to endure the same pain.

Her fight to press the potential of stem cell research brought these issues from the brink of oblivion now to the cusp, I hope, of success. As Dana said after the passing of her husband Christopher, no less than an American hero, today is an opportunity to transform our grief into hope.

Even after her loss, and even after she suffered through her own dreadful illness, she fought for the hope that stem cell research gives to millions of Americans. Dana Reeve used the great personal challenge of her husband’s paralysis to work so that other families would not have to endure the same pain.

The National Institutes of Health tells us that a range of diseases from Parkinsons and Alzheimer’s disease to spinal cord injuries to stroke, burns, heart disease, diabetes, maybe cancer, could potentially be addressed with and the miraculous potential of stem cell research. She has helped to continue the mending and renewing of the world that is possible through science.
Today we salute Dana’s work and send our prayers to those who loved her, especially her son Will, who is 13 years old; and her two grown stepchildren, Matthew and Alexandra; her father and her two sisters.

I think it is great to talk about her contribution because it is significant for all of us, and I know that she would have wanted me to use any time talking about her to talk about the cause.

Today we have learned that former Governor Ann Richards of Texas has cancerous lungs. She made that announcement herself. I know that she will face this with courage and the resoluteness that is her signature. She never saw something wrong that she did not make right, but this, and so many others, makes clear the need for clear commitment to women’s health in this country.

Our thoughts and prayers are with Governor Richards and her family today. I know she will beat this. We were the first to tell her when she was Governor of Texas, and she makes us proud every day that she speaks out for the American people, women, children, families and Democrats.

I was fortunate enough to have her daughter in my office. So I feel particularly, particularly blessed by the contributions that Ann Richards is making to our country.

In recognition of the theme of Women’s History Month: Women, Builders of Community and Dreams, we cannot fail to recognize that there are dreams and communities left to build, especially on our gulf coast because of Katrina, Rita and Wilma.

Last week Speaker HASTERT and I led more than 50 Members of the House to the gulf coast. There we met women who were telling us about their struggle to rebuild their communities, to rebuild their dreams, the theme of Women’s History Month.

Those women represent the thousands more who are struggling to rebuild, without the support they need from the Federal Government, and I hope that after our trip that support will soon come.

Despite the stories of loss, I also saw the spirit at work to rebuild the gulf coast to a region that is healthy, strong and prosperous. Women of the storm are particularly noteworthy in their effort, as a group of 100 Louisiana women who are fighting to rebuild a devastated gulf coast. That means not only Louisiana; Mississippi, Alabama, those affected in Florida, those affected in Texas.

One of the most compassionate members of the gulf coast community is Congresswoman and Ambassador Lindy Boggs, who we had the privilege of seeing when we were in Louisiana. I met with her last week. This week Lindy Boggs is celebrating her 90th birthday. Long before your time, my colleagues, when many of us served here with Lindy Boggs in the House of Representatives, indeed she came to Washington in 1941 with her husband, Hale Boggs, and he was serving, and he became the Democratic whip of the House. Tragically his life was lost in an airplane accident, and she then indeed became a Member of Congress.

A woman of such intellect, graciousness and courage, Lindy Boggs taught all of us who served with her a great deal about politics, a great deal about the future of our country, and a great deal about how to do it in the nicest possible way. It worked for some; it did not work for others.

In any case, I can assure everyone that Lindy is as vivacious as always. When she left here, she went to be an Ambassador to the Vatican. And she was very proud to represent our country as the representative to the Holy See.

On the occasion of Women’s History Month, I salute her and all of the lessons, thank her for all the lessons she taught Members of Congress and the great contribution that she is making to our country.

As we honor the accomplishments of great heroines who have restored hope in the face of impossible odds, we recognize that women are working to build our future here today. We know their power. Women’s History Month reminds us that women can and do change the course of history for all of us.

And today being International Women’s Day, I was pleased that on Capitol Hill we had women legislators and public figures from Northern Ireland that I met, Afghanistan, Iraq, and many other countries. I just wanted to point out on this that we also received news from Speaker HASTERT, and I am very grateful to him, that we will have a joint session of Congress next week where we will hear from the newly elected President and newly inaugurated President of Liberia Johnson-Sirleaf, who will be visiting the United States on a state visit next week.

She will address a joint session of Congress. She is the first woman to ever be elected President of an African country. And I think I only remember one other woman addressing the Congress, a joint session of Congress. So it is very exiting and an appropriate way for us to celebrate International Women’s Day and National Women’s Month.

With that, again I salute my colleagues of the Official Truth Squad. And more importantly, I salute them for their tremendous contribution to our country at their early ages. Congresswoman LINDA SÁNCHEZ is the first Hispanic woman, first Latino, ever to serve on the Judiciary Committee. She makes a great contribution to our country from that important, important post.

Congresswoman WASSERMAN SCHULTZ is on the Financial Services Committee where she fights for consumers and for including everyone in the economic success of our country.

And Congresswoman HEISETH and her valuable contribution on the Agriculture Committee, and other committees, on the Veterans Committee where she is already a ranking member of the committee so soon. How wonderful.

Well, I congratulate you all. I thank you and appreciate what you are doing this evening and what you are doing four hours from now.

And with that, Mr. Speaker, I yield back to the gentlewoman from Florida. Ms. WASSERMAN SCHULTZ. Thank you so much for joining us. Normally when we do our 30-Something hour, Madam Leader, we thank you in absentia for the opportunity to spend the time during this hour talking about the things that are a priority to our generation. So it is a privilege to be able to personally thank you for this opportunity that you give us each night. It is an honor to serve under your leadership.

Ms. PELOSI. Well, I appreciate you saying that, because what we are about here is the future. Everything we do should be about and honor our responsibility to make the future better for the next generation? That has been the tradition in America from Founders until the present. And I hope that we can prevail in this fight to make the future better for the next generation. We owe it to our children.

We owe it to the next generation. Ms. WASSERMAN SCHULTZ, Madam Leader, the way we close our time usually with the 30-Something Working Group is by plugging our Web site, www.housedemocrats.gov/30somethings. We encourage our colleagues and anyone who cares to sign on to that. We have a lot of charts and interesting facts and figures that are important to the next generation.

I want to thank my colleagues from California and South Dakota for joining me tonight and welcome you back any time because we are here every night.

Mr. Speaker, with that I yield back.

THE OFFICIAL TRUTH SQUAD

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). Under the Speaker’s announced policy of January 4, 2005, the gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PRICE of Georgia. Mr. Speaker, I appreciate the opportunity to speak before the House tonight. I want to thank the leadership for allowing me to participate in this hour. I thank the conference chair, Congresswoman PRYCE, for her leadership.

And I want to come tonight with a number of colleagues, and we come with what we call the Official Truth Squad. And we call it that because a group of freshman Congressmen, in our class there are 25 or so freshman Congressmen, who have now served in Congress, including everyone in the economic success of our country.

And Congresswoman HERSETH and her valuable contribution on the Agriculture Committee, and other committees, on the Veterans Committee where she is already a ranking member of the committee so soon. How wonderful.

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Mr. Speaker, with that I yield back.
And I may add another one tonight: that you cannot empower women by tearing down men.

So the politics of division do truly a disservice to us as a Nation. It is disheartening to the public discourse, frankly. So I urge my colleagues to try to stay in the right lane and think about the issues and the challenges that confront us to remember that truth is important and truth is vital in everything that we do.

In my real job I was a physician. I was an orthopedic surgeon. And I am fond of telling folks that if I did not get truthful information either from the patient or from whatever laboratory study or examination we were doing, if we did not get truthful information, then we could not make the right diagnosis. If you do not make the right diagnosis, then you cannot treat the right disease. And if you do not treat the right disease, it is hard to get the patient cured.

It is the same here in public policy. If you are not dealing in truth, if you are not making the right diagnosis, if you are not treating the right disease, you cannot get to the right solution. So, again, I challenge my colleagues on the other political aisle to try as hard as they can to avoid the politics of division. It really is shameful and it does a disservice to the public debate, and it really does not do any credit to the party itself.

So I am pleased to have the opportunity tonight to come and talk about many different things, but we are going to talk about the economy for a good length of time here this evening. I have been joined by a good friend and colleague, a member of the freshman class, Congressman WESTMORELAND, a fellow Georgian. Congressman WESTMORELAND is a small businessman and a fellow Georgian. I served in the State legislature with him. He has come to share some of that truthful information about the economy.

Congressman WESTMORELAND, I welcome you and thank you for joining us tonight.

Mr. WESTMORELAND, Thank you, Mr. PRICE. And I want to thank you, my friend from Georgia, for hosting this hour to highlight some of the truth.

I am sure, Mr. Speaker, that you know that the truth sometimes hurts. And so when you are exposing the truth, it might be even seen by some as being hurtful, but I believe Mr. Haley Barbour quoted, Mr. Speaker, that "The truth is a lot of things to a lot of people. But in the end, the truth is the truth."

I want to talk a little bit tonight about the success of the Republican economic policies and to expose the half-truths of our opponents who want to raise taxes on the American families.

Mr. Speaker, the evidence speaks for itself. Republican principles and action lead to economic growth, more jobs, higher standards of living and increased revenue to the Federal Treasury. Since 2003, the U.S. economy has created hundreds of thousands of new jobs while the unemployment rate has dropped down below 5 percent, which is an extremely low number by historical standards. Employ- ment and wages seen last year are also expected to continue, which will help consumer spending. Household net worth has risen for 12 consecutive quarters under the Republican administrations and leadership of this House.

Wealth has not risen just because of housing. Checking accounts, savings accounts, and so on are at a record high and are a larger share of after-tax income than any other time since 1993. Economic activity had considerable momentum last year, and that will carry into 2006, 2007 and on. The Congressional Budget Office forecasted the real GDP will grow by 3.6 percent this year and by 3.4 percent in 2007. With these numbers it is obvious that the tax cuts, passed and renewed since 2001, have bolstered the American economy even after the incredible cost of September 11, 2001, the terrible destruction caused on the gulf coast by the hurricanes that hit there, and the high price tag of the war on terror.

Despite many challenges, the state of our economy is strong. As our economy grows, we create new jobs and as we grow, more money comes into the Federal Treasury. That is right. Despite all of the belly-aching from the other side about the cost of the tax cuts, the Federal Treasury is taking in plenty of money. Last year the Federal Government took in $2.15 trillion, the highest dollar amount that has ever been received.

I would like to ask my friend from Georgia if he has got a chart there that shows the revenues that came in last year. I think it will show that we do not have a revenue problem. What we have here is a spending problem. And the chart will show you that the revenues will go up as the tax cuts go into full swing to a record high. So we do not have a revenue problem.

Mr. PRICE of Georgia. I appreciate you pointing that out. I am sorry, I had this a little bit later, but this is the chart that you refer to.

It really is amazing when people hear the success of our economic policies and counterintuitive. If you decrease taxes then people say, well, surely you decrease money coming into the government. But it does not work that way, does it? And what we see here is exactly what you described.

Mr. Speaker, I have the line right here. This is the years down here, 2000, 2001, 2002, 2003. This line is when the tax decreases, the tax cuts, went into effect; and the red line is the revenue into the United States Treasury.

Mr. WESTMORELAND. Because Mr. Speaker and my friend from Georgia, people are reinvesting their money. They have more money to spend. That
is a direct result of the tax cuts. In fact, we need to make these tax cuts permanent; and I think the people of this country would like to see that also. Despite this growth in revenue, we have seen an even greater growth in spending, and I think that is not good for the American people.

If the Democratic Caucus and our Republican leadership took a stand to modestly reform entitlements and modestly curb the rate of growth and spending in the Deficit Reduction Act, no Democrats voted for that bill.

Where were the so-called deficit hawks and the Blue Dog Democrats? Where were the Democrats in the 30-Somethings who say they would do a better job of taming the deficit?

When it came time to make the tough choices, their votes did not match their rhetoric on the deficit. In fact, when it comes to offering solutions to the problems that threaten our Nation while expanding our economy.

These are truths, and sometimes the truth does hurt. Republicans, in contrast, have a plan for leading this Nation. The Republican Study Committee today released its proposal for balancing our budget, a recommitment to the contract on America. That budget recognizes that we must take serious steps to tame our budget deficit. If the Democrats had a plan, which they do not, and included stops to six-hikes on American families and American job creators, and that is the only truth that can come out of that. You cannot be unwilling to cut spending and expect the deficit to go away.

Our budget recognizes that we do not need more revenue. We have never had more revenue. But we still have to make tough choices. In a world of tough choices we can raise the price of the buffet or we can curb our appetites. With our waistlines bulging, the choice is clear. We must get off a spending diet until our pants fit again.

We have a plan for trimming down the budget. We have a plan for continuing our economic growth. We have a plan for strengthening the economic security of American families. I think that plan should include making these tax cuts permanent so people can afford to plan their future and to know what is ahead of them.

Mr. PRICE of Georgia. I came up with another chart that highlighted exactly what you said because so often, as we have talked about on the Official Truth Squad, we get one word out of one side of a person's mouth and what they do when they actually vote is something completely different.

You mentioned about the balanced budget amendment and the opportunities that our friends on the other side of the aisle have not taken. You mentioned a balanced budget amendment; and, in fact, their deed has not matched their word. They talk a good game, they really do. They talk about supporting a balanced budget amendment. But here are votes that were taken in 1990: 145 Democrats voted against a balanced budget amendment; 1992, 150 vote no; 1994, 151 vote no; 1995, 129 vote no. And the most recent time they had an opportunity to do that, 1997, 8 Democrats voted yes. 194 voted against calling for a balanced budget amendment.

Mr. WESTMORELAND. To my friend from Georgia, my mother always told me that actions speak louder than words. And anybody can go anywhere and say anything, but when you are given a choice, you have to take those words that you spoke and put them into action, and for the American people to be able to see that you are sincere in what you are saying, your votes should match what your words are.

As we write history in politics, and I see the gentlewoman from Tennessee has joined us here, but in politics you can tell your constituents anything in the world, but they will know honestly how you feel when you vote. And that is what they should do and we should all be held accountable for our votes. And hopefully we will. Hopefully the truth will come out.

I just appreciate so much you taking the time to do this and all the efforts that you have put forward to get the good Republican principled message out: that we are about American families. We are about them having more money in their pockets that they can use on discretionary spending for their families, and say anything, but when you are given a choice, you have to take those words that you spoke and put them into action, and for the American people to be able to see that you are sincere in what you are saying, your votes should match what your words are.

As we write history in politics, and I see the gentlewoman from Tennessee has joined us here, but in politics you can tell your constituents anything in the world, but they will know honestly how you feel when you vote. And that is what they should do and we should all be held accountable for our votes. And hopefully we will. Hopefully the truth will come out.

We are fond of saying in the Official Truth Squad, quoting Daniel Patrick Moynihan, who had a wonderful quote that goes, “Everyone is entitled to their own opinion but not their own facts.”

And that is what this is about, the Official Truth Squad. You know as well as anybody that this is not Washington's money. This is the people's money. And that is what is so important to get across to folks. It is the people's money. It is not Washington's money.

Mr. WESTMORELAND. Do you think that after so long this money starts looking like play money and you start talking about billions of dollars and trillions of dollars and that is unrealistic to most people? I think when you start to think of a billion dollars is ten hundred million, and most of us will never know what a million dollars is. It is not just play money. It is money that has come out of the taxpayers' pockets and we have got to be accountable for it.

Mr. PRICE of Georgia. It is their money and they deserve to spend it as they please. Thank you so much for your participation.

We are talking about the economy tonight in the Official Truth Squad and trying to bring some light to some of the wonderful things that are happening in the economy and put statistics down where statistics ought to be and show the truth.

We are joined tonight by Congresswoman BLACKBURN from Tennessee. We are so pleased to have you join us again on the Official Truth Squad and share some of your perspective on the United States economy right now.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Georgia for yielding and for his leadership and the energy that he is putting into being certain that we communicate the message from our Republican agenda. Thank you for this, and thank you and the freshman class for tackling this problem and being able to talk about the things that are happening in our economy and the good news that is there to share.

A couple of points that I would like to make tonight as we are talking about the economy and the growth in the economy is Mr. WESTMORELAND was just talking about leaving more money with American families, with all of our constituents, with their families. That is what one of our goals is, to be certain that we take less from those paychecks, so that the family, when they sit down to work out their budget, they have more that they are working with.

I think that it is an absolute travesty that the single largest item in a family's budget is taxes. How do we get to this, that the largest item a family is left with is taxes? More than food, housing, clothing, transportation and education, more than lessons for children. How do we get to the point that it is taxes?

How wonderful that we could make decisions in 2003, we had the opportunity to vote to roll back some of those taxes so that we take less. It is time that we end the Federal Government having first right of refusal on your paycheck and let you and your family have that paycheck and make those decisions of what to do with those hard-earned dollars.

When we talk about women's issues, all issues are women's issues. Economic issues are definitely women's issues.

One of the things that I hear regularly, wherever I am in this great and wonderful land, is that wherever you have the fastest-growing sector of that town, of that county, of that area's economy is women of color, small women-owned small businesses, and I think that is so exciting that that entrepreneurial spirit is alive and well.
One of the first issues that women will raise with me are taxes, the over-burdensome nature of taxes, the cost of compliance for small businesses, how they would love to be growing that business, but with the taxes, with compli-
cations, they have less to spend in growing that business.  

So as we look at extending our tax reductions, as we look at being certain we do not raise taxes, that they do not go up, that we hold what we have in those brackets, then it is so important that we realize that those benefits so many American women who are start-
ing those businesses and are realizing the American dream and those gifts and opportunities and prosperity for their themselves and for their families.

Mr. PRICE of Georgia. I think that is such an incredibly important point that you just made, and that is not to raise taxes.

What some of my constituents do not understand or appreciate is that Congress has to act in order for the current tax decreases, the current tax cuts, to continue, and that if we do nothing, if the other side is successful in making it so Congress is inactive and does not do anything, then a tax increase will take effect; is that not the case?

Mrs. BLACKBURN. If the gentleman will yield, yes, indeed, that is the case. 

You know what we are trying to do is hold the line. We are trying to hold the line, and to keep them from pushing tax increases over that line, and that is our goal, to hold these reductions we have been able to put in place, to be certain that the environment is right for those jobs to be created, and I am always running around with these little plastic pens with somebody’s logo on it. I pick these up from employers in my district, and it reminds me these are the guys that are putting the pen to the paper, and they are the ones that are taking jobs growth happen in our district.

And I will yield to the gentleman for this poster which tells the story.

Mr. PRICE of Georgia. It really does. A picture really is worth a million words, certainly, and this one certainly is. In fact, it is worth 4.73 million words, because every one of those 4.73 million new jobs is demonstrated on this picture here, on this graph here, from January 2002 all the way to January 2006. You see the trend that happened during this administration, during the Republican leadership and what happened when it crossed the line with tax decreases, the tax cuts you talked about.

Mrs. BLACKBURN. So many of these jobs, sometimes I have people say, tell me where these are being created, tell me where these jobs are being created.

What we have seen happen is that we are taking the knowledge economy, we are into a technology-based economy, and we are seeing this jobs growth in different areas, and it is so wonderful because so many of the individuals that live in our districts are jumping in there. They are retaining, they are getting computer skills re-training, and they are working in a million different careers that they never, ever thought would be available to them.

And as we are watching the technology growth in our districts, all across this country, it is small business manufacturing industries that are growing. Their numbers are better than they have been in 10 years. I think that is such a sign of encouragement. One of the good things about working in service industry-related jobs, what we are seeing is new jobs, in new industries, which tell us that an economic renaissance is on that horizon. It is imperative that we make certain we do not see tax increases and that we do not see regulation increases and we keep an eye on having that right environment take place.

I thank the gentleman for yielding.

Mr. PRICE of Georgia. Thank you so much for joining us this evening on this Official Truth Squad and bringing us some truthful numbers, some truthful comments, and highlighting so well the wonder of the small business community across this Nation, because the small business community really is the engine that drives the job creation in our Nation, and this is why the environment to make certain that small business, mom and pop, the corner drugstore, the corner cleaners, those folks who are just working as hard as they can, that the environment for them to be able to succeed and be able to thrive is so doggone important. That is why we are here to try to extend the tax cuts and make certain that we continue that economic environment.

We have been joined by Congressman MIKE CONWAY. Congresswoman MARSHA BLACKBURN was with us. Congressman MIKE CONWAY is another fellow freshman member of the Official Truth Squad and very, very helpful. He is a CPA by profession. That is exactly what we need are more CPAs in Congress and their homes, and to come up with the right number ought to be, and I want to welcome Congressman CONWAY and look forward to your comments this evening, the truthful comments about our economy.

Mr. Speaker, I thank the gentleman from Georgia and appreciate the gentleman from Georgia inviting me here tonight to allow me to share this time with him.

Almost 16 years ago I participated in a Midland introspective. This was a look at what was going wrong and what was going right in Midland, Texas, where I am from, led by the United Way and a bunch of other folks who had the funds to pay for it. I did a statistically valid survey of the community to find out what the needs were. This was a needs assessment, and we asked people what was happening in their neighborhoods and their cities and their towns, and to come up with some sort of sense as to how we should be addressing the social issues within our communities.

Once we got the data back, again, it was a statistical survey, we came up with our top 10 list of needs that Midlanders told us were Midland’s needs, as opposed to those of us in certain organizations trying to decide on behalf of Midland what it was. Anyway, it was an idea that we could do this periodical to try to track how we were doing.

If you look at the top 10 needs within our communities, nine of those needs would have been positively impacted by this bill. The need was for more CPA’s in Congress and the needs for child care. The needs were health care. Every single one of them except one, and I probably ought to remember what that one was that was not directly associated with the cause someone in that family now has a job, someone’s bringing in a paycheck, someone is creating an environment within that family so that the
children see mom and dad working, the children understand responsibility, the children understand how families work. The families are so much better off when they have got a job.

So we have 4.73 million jobs, and the number of families that are affected by that growth is a dramatic improvement on the floor where hyperbole and overrating and overreaching and puffing is an art form, I probably ought to be able to come up with some flowery language that would help communicate how important job growth is, but I am burdened, though, by being a CPA, and we just do not put puff and brag and all those kinds of things very well, and other folks it do it much better than us.

What I really want to talk about tonight is what I see as the single biggest threat to our way of life that we face. I serve on the Armed Services Committee. We are a country at war, and I suspect most of our colleagues in the House would think I would talk about the war being our single biggest threat to our way of life.

I think it is the growth of Federal Government and the growth of spending that represents the single biggest threat to our way of life. Federal spending is a drag on the terrific economy that we have got going. Federal spending does not create wealth. As we all know, it may create a few jobs, but those jobs are dependent upon programs. So the real effective jobs that are created in the private sector are those created in the private sector.

The CBO, Congressional Budget Office, has recently published a study that is posted on their Web site that anybody can go to, cbo.gov, that looks within 5 years, and it is going to call long to an organization that is going to spend too much.

What I really want to talk about tonight is what I see as the single biggest threat to our way of life. Federal spending is a drag on the terrific economy that we have got going. Federal spending does not create wealth. As we all know, it may create a few jobs, but those jobs are dependent upon programs. So the real effective jobs that are created in the private sector are those created in the private sector.

If you look at 2050, and they have several different scenarios that they run through, but the one that seems to make the most sense to me would show that by the year 2050, 45 years from now, that the Federal Government, left unchecked, left unchanged, will consume 50 percent of the gross domestic product of this country.

We are currently at about 20 percent, and in my mind that is about the gat threshold for a Federal economy. So at 50 percent plus, there has never been a free market free enterprise system anywhere in history that has allowed the central government to take half and allowed the rest of us to prosper on the other half, prosper in terms of an improved standard of living, of opportunities that are granted to the American that, quite frankly, my colleagues and I inherited from our moms and dads and our grandparents.

I have six grandchildren, six terrific grandchildren, and it is unfair of me as an adult to pass on to them a world that is not a better place than what I inherited. That ought to be our role as parents and grandparents, to make this world better for our children and our grandchildren. Well, in 2050, my oldest grandson will be about 53 years old. He will be where we are right now. Maybe he will be in Congress. That would be kind of cool. But he and his colleagues in that bracket will be where we are today. And if we don’t do something about this issue, then they will inherit a world that is radically different than ours, that is fundamentally different than the one you and I currently enjoy. And that is just wrong.

Let me arrive this point home. Who among us as grandparents, or any of us who want to be grandparents, would take, in my instance, my six grandkids down to the nearest bank and say, Mr. Banker, I want to borrow every single dollar in your bank, and I want you to prepare notes that my six grandkids will sign. I am going to take the money and I am going to spend it the way I want to. I will spend it on some good stuff, but I am going to spend all of it, and you are going to have to look to these six grandkids for repayment of that debt.

In all the times I have used this anecdote, or used this story, I have never found one grandparent who would say that they would agree to that with their grandchildren. But collectively, somehow this mob mentality, that is exactly what you and I and our colleagues are doing in America, is that we are spending money today that we don’t have, and we are taking a debt that our grandchildren are going to have to pay off.

I spoke earlier today to a trade association and was asked for questions. And one of the guys in the audience asked about the budget deficits that we are experiencing and should we, in effect, continue to borrow this money that our grandkids are going to have to pay off? shouldn’t we do something to address that? Well, I said, yes, we should, but it should not be a tax increase.

Now, you and a couple of our colleagues have already talked about this. We do not have a revenue problem in America. The Federal Government does not have a revenue problem. We will have record tax collections this year. We do not have a revenue problem. We will have record tax collections this year. We had record tax collections last year. And our tax revenues, our ability to grow those is growing at about 5 percent a year. Collectively, we should be able to live within that spending frame. So I would disagree with our colleagues on the other side of the aisle who call for increased taxes, who call for a bigger share, a bigger take out of our working families and working people’s take-home pay to help with our spending problem. So we don’t have a revenue problem; we, in effect, have a spending problem. We just are simply spending too much.

I know that my colleagues and I belong to an organization that is going to bring forth a pretty radical budget scenario that could balance the budget within 5 years, and it is going to call for some pretty radical changes. The
wanted the most expansive Federal Government he could think of, would be really shocked to see what collectively you and I and all of us have done with that document, with those authorities and powers. They had envisioned a powerful Federal Government with a pretty limited role. Everything else was to go to the States.

Clearly, some of the roles we would all agree on, national security, homeland defense, border security, those are things that are the Federal Government’s job, period. It is not the States’ job or local municipalities’ jobs. It is ours, as representatives of the Federal Government, to get that done well. But we have an awful lot of areas that the Federal Government has crept into. And in order to make substantive changes in that growth in government, in that growth to 50 percent of GDP that CBO thinks is an inevitable track, that we are going to have to make some very strong substantive changes in the way we are doing business.

As your colleague talked about earlier today, there are probably 10,000 reasons in that budget that is going to be proposed for every single Member of Congress to vote against it. I have got six reasons why we ought to seriously consider it. Reason number one is named Michael; reason number two is named Caleb; reason number three is named Cameron; reason number four is named Emily Kate; reason number five is named Michael; reason number two is named Alex-Conally, and reason number six is named Cameron. Those are the first names of my six grandkids.

So that is what we ought to be about doing. It is going to be hard work and it is going to require some tough, tough choices, some tough things to tell people. Some folks are going to have to figure out a different way to feed their families and they will have to figure out ways to provide the goods and services they think the Federal Government is currently doing that we don’t think under our Constitution is an appropriate role. And it is going to be hard. We are going to have to ask people to make some sacrifices and do things in a whole lot different way than they have been doing it.

Almost every one of us have grandchildren or will have grandchildren. And the path we are on, the path you and I have taken and that we are perpetuating, is one that leads to a very ugly conclusion.

Now, as a CPA, that sounds like pretty standard stuff we say, and it is awfully downer talk, and it is not particularly uplifting, but it needs to be a clarion call. Our issue is that you and I and our colleagues are pretty good at handling stuff tomorrow, next week, and maybe some into 2007. But when we look beyond that, that is an eternity. This issue, this growth in Federal Government spending, we are on a downward spiral. And so because it is far enough down the road, it is very easy for us to stick our heads in the sand and let it be someone else’s responsibility, let it be someone else’s decisions as to how to fix it.

So if I don’t do anything else tonight, hopefully I can scare some of our colleagues into at least taking a look at what the CBO study says that my word for it, go look at it for yourself. And, look, if the number is only 40 percent of GDP, if it is 60 percent of GDP, it is a number that is unsustainable. It is a world that is fundamentally different from the world in which we are going to enjoy, the opportunities we have and our colleagues have, and it is just patently unfair for us to hand that off to our children.

I want to thank my good colleague for letting me rant tonight and share with you and other members of this Truth Squad, and I thank you for organizing this and getting it done.

Mr. PRICE of Georgia. Thank you so much, Mr. CONAWAY. You said you didn’t have the flowery speech, but you do. And in addition to that flowery speech, you speak the truth. Because so oftentimes here we don’t refer to that document, the Constitution, that carries with it single day and that highlights our principles; that is the founding document that says what our guidelines ought to be.

Where are our walls and fences? What should we be doing? We ought to hear every single day on the floor of this House, is that the responsibility of the Federal Government? We ought to be asking ourselves that on every single thing we do.

Mr. CONAWAY. Mr. Speaker, if the gentleman will yield for just a moment, your good colleague from Georgia was sharing with us last night an area that is very important to our country, very vital to our country, but where are our walls and fences? What should we be doing? We ought to hear every single day on the floor of this House, is that the responsibility of the Federal Government? We ought to be asking ourselves that on every single thing we do.

Mr. CONWAY. Mr. Speaker, if the gentleman will yield for just a moment, your good colleague from Georgia was sharing with us last night an area that is very important to our country, very vital to our country, but where are our walls and fences? What should we be doing? We ought to hear every single day on the floor of this House, is that the responsibility of the Federal Government? We ought to be asking ourselves that on every single thing we do.

Mr. PRICE of Georgia. I appreciate so much, again, the gentleman’s coming. Really, it is a positive picture, because what it says is that we ought to be looking at our founding document. That is a positive uplifting picture.

I guess what it is one of the most distressing things is what you have said is that you described this budget that is going to be proposed as a radical budget, but it is a balanced budget. There is nothing radical about a balanced budget within a 5-year period of time, which is, as I understand it, what will be proposed. So it is not radical.

In fact, doing anything else is harmful, is not compassionate, and is probably radical because it puts us on that track for the GDP percentage being consumed by the Federal Government that you pointed to of 50 percent in the year 2050. And as you say, that is unsustainable. It means it doesn’t work. Can’t work.

So thank you so much for joining me tonight, and I really appreciate your perspective and your insight and your acumen that you bring from the private sector to us here in Congress.

I have talked about Senator Moy-nihan’s wonderful quote that “Every- one is entitled to their own opinion but not their own facts.” What we try to do on the Truth Squad is to highlight some of the comments that have been made on the floor of the House of Representatives and to point out what in fact the truth is. And we have heard an awful lot, an awful lot lately about the Dubai Ports situation, the potential transfer or sale of management of six of our Nation’s ports to Dubai Ports World.

And regardless of what you think about that, there are some real questions that many of us have about that. But in the context of that discussion, we have heard over and over and again that no money has gone to port security, the money has been slashed to port security, the Congress hasn’t been responsible in what it has done with port security. So what I have done tonight is to bring two new highlights for the Official Truth Squad that talk about port security funding.

This first one highlights the funding to the six ports that are in question here as it relates to the current topic.

This chart says since September 11, 2001, Congress has authorized a 700 percent increase. That is a cut, that is not flat, that is an increase in funding for port security, and in particular Congress has authorized the following amounts for six of the most high-risk ports: $43.7 million to the port of New York and New Jersey; $32.7 million to the port of Miami; $27.4 million to the port of New Orleans; $16.2 million to the port of Baltimore; and $15.8 million to Philadelphia, a 700 percent increase in high-risk ports. And so we will be 30 days away from November 11, and nowhere do you see a decrease.

That is highlighted even more so on this chart here that demonstrates and
shows the port security funding in fiscal year 2004, and you see the remarkable increases we have had since September 11, 2001; fiscal year 2006 and the 2007 request is nearly $3 billion for money that would be utilized in the area of port security.

What you hear and what the truth is oftentimes are two different things. I am pleased to be able to bring this kind of information to the floor and to talk about the truth, talk about the kind of numbers that in fact we are dealing with in the House of Representatives, and to try to get through a lot of partisan-ship, to try to get above a lot of hyperbole and misinformation that is rampant and does a disservice to the debate.

We oftentimes do not get to debate a whole lot in Congress. Like what is occurring tonight, one side presents their issues and the other side presents their issues. It goes back and forth. It really is not a debate, it is not an inter-change kind of thing that I would think of as a debate and probably most Americans would think of, but what is occurring with the Official Truth Squad coming here night after night is we are beginning to have some back and forth with our friends on the other side of the aisle, and they have made some interesting comments and I thought I should bring them to the American people.

Last night there was a group of folks in the House that call themselves the Blue Dogs, and they talked about what we do in the Truth Squad in a certain way.

They said, “Following us this evening, I am pretty confident that the other side will show up and they will probably talk about how we had an opportunity to cut, to cut $40 billion in spending and how we, the Blue Dogs, voted against it. But what they will not tell you is it was $50 million in cuts to the most vulnerable people in our society: Medicaid, 8 out 10 seniors in Arkansas on Medicaid; 1 out of 5 people in Arkansas are on Medicaid. Cuts to Medicaid, cuts to student loans to the tune of $40 billion.”

Now that is what they said. But the Official Truth Squad is here because what we are interested in doing is looking at the real numbers. What is the truth in that? That is a pretty significant change that was made, significant cuts in Medicaid and to education, to student loans. What is the truth? What really has Congress done?

Madam Speaker, here is the chart that puts the Medicaid situation into perspective. This chart goes from 1995 to 2005. It talks about the amount of money, the Federal outlays in billions of dollars to the Medicaid program. In fact, what this square says is that spending more than doubled over the last 10 years on Medicaid for an average growth of 7.4 percent per dealing growth in Medicaid for the past 10 years, 7.4 percent. That may not sound like a lot, but look at the actual numbers. In 1995, $89.1 billion. In the year 2000, $208 billion. In 2005, $381.7 billion in Medicaid funding.

Now, Madam Speaker, I know that people oftentimes like to talk about a cut. As I talked about before, that is the political discussion. It does not help anybody. All it does is put fear into folks reliant on the program who oftentimes are the most vulnerable.

What we have done in the United States House of Representatives under Republican leadership is cut waste, cut fraud, worked to cut the abuse of the system, but continually increasing the amount of revenue that is going because that population, regretfully, has increased. So it is appropriate to have more money go into that area, not cuts, not cuts to the program.

What about education? They mentioned education. These cuts that they quote for education; well, in fact, it is the same kind of picture. Here we have a chart, the year 2000 all of the way up to 2005. We are seeing an increase in Federal education spending over the past 5 years. The year 2000, a little under $40 billion. The year 2005, nearly $60 billion. Total education spending has grown an average of 9.1 percent per year since 2000. I am afraid the growth in that area is certainly faster than the inflation rate. It is faster than the population in that area. It is not a cut, not a cut.

And then they talk about student loans. What is happening with student loans? I find it interesting that the genuine debate and respectful discussion of this budget, the balanced budget within the cut, Pell grant funding has grown 10.3 percent per year since the year 2000, $12.4 billion for fiscal year 2005. The graph demonstrates clearly annual growth every single year.

So, Mr. Speaker, what do people hear about the cuts are occurring and when they hear the discussion about the cuts as was mentioned earlier in the budget, the balanced budget within 5 years that is going to be proposed, again, it is not honest, it is not fair to the discussion. It results in this politics of division which pits one group against another, all of which is not positive for our Nation and it does not assist in the debate. It does not help us reach sound policy and encourage my colleagues to kind of rethink how they are approaching this debate.

We would love to have an open and honest discussion about these things and be able to work together to solve the problems because these are not Republican problems, these are not Democrat problems, these are American problems. They are challenges that all of us have. It works best, our system works best when we all work together to solve the challenges that we have.

We are proud to serve in a wondrous and a glorious Nation. It is still a Nation where men and women around the world, they look to us with optimism, they look to us as being a beacon of liberty and a vessel of hope. They view us as being an example that they might be able to follow. I am proud to serve in the United States House of Representatives. I am proud to serve with men and women who are willing to stand up and say how much they love America and how much they believe that the policies that we are putting forward are moving us in the right direction. I am proud to serve with those men and women who joined us on the evening as the truth, talked about issues that are so important for the American people to understand and put a little positive perspective on the challenges that we have before us. I look forward to coming back at some point in the future.

**30-SOMETHING WORKING GROUP**

The SPEAKER pro tempore (Ms. Foxx). Under the Speaker’s announced point of order of January 4, 2005, the gentleman from Massachusetts (Mr. DELAHUNT) is recognized for 60 minutes.

Mr. DELAHUNT. Madam Speaker, I thank the Speaker for according me the time. I am claiming it on behalf of my colleagues who will be here shortly with me, Mr. MEEK and Mr. RYAN, the cofounders of the 30-Something Working Group. We will be exploring an array of issues this evening dealing with the issues of the surge of the young colleague and the gentleman from the other side of the aisle discussed this evening.

Much of what the gentleman said or some of what he said I would agree with. It certainly would be a contribution to the public discourse if there were an open and transparent debate and discussion on the issues that are confronting the American people.

I only wish that were the truth, not just the official truth but the real truth because what is lacking within this institution, this body, is an open and transparent and real discussion, genuine debate and respectful discourse.

I find it interesting that the gentleman talks about cutting spending and indicates that this side of the aisle supports raising taxes. Well, that is just simply inaccurate.

I think the only tax that we can agree on that ought to be cut is the tax that is in the form of waste and fraud and abuse. Tragically, what we have observed over the course of the past 6 years is an abundance of fraud and waste, a corruption tax, if you will, Madam Speaker. But what we have not seen is an open and transparent and respectful process to discuss these particular issues.

If the Chair would bear with me for a moment, I am going to read excerpts into the Record of a deal that was struck between the Senate and the House side and on the House side that did not include the Members of the minority party. How can you have a discourse or
a conversation when Members of the minority party are excluded.

Mr. RYAN of Ohio. You cannot.

Mr. DELAHUNT. You cannot, that is right, and I welcome Mr. RYAN to the floor.

Mr. RYAN, let me pause for a moment and find that particular report so we can discuss transparent and open and respectful discourse and inclusion. The previous speaker was correct; there ought to be inclusion. But there is none and that is a sad comment on democracy within this institution. I would only hope that the rhetoric that I heard earlier would be matched by action and deeds on the part of the Republican leadership in this House.

Madam Speaker, let me read in the Record an article from The Washington Post. It is dated January 24, 2006.

We talk about saving money, Madam Speaker. We all want to save money. We had an opportunity to do that, Madam Speaker, but we failed because of a closed-door deal that reduced a savings that was possible by $22 billion.

A story from the Washington Post: “House and Senate GOP negotiators, Republican negotiators, meeting behind closed doors last month to complete a major budget-cutting bill, agreed on a change to Senate-passed legislation that would save the health insurance industry $22 billion over the next year, according to the nonpartisan Congressional Budget Office.”

Now, let me repeat that, Madam Speaker, and may all those that are observing our conversation tonight, our colleagues and all those in attendance here, listen carefully. It would save the health insurance industry $22 billion. Not the American taxpayer, but the health insurance industry.

The Senate version would have targeted private HMOs participating in Medicare by changing the formula that governs their reimbursement, lowering payments $26 billion over the next decade. But after lobbying by the health insurance industry, the final version made a critical change that had the effect of eliminating all but $4 billion of the projected savings, for the taxpayer, Madam Speaker, not for the HMOs. But who loses in that closed-door deal? And yet we hear, the taxpayer. You cut spending.

I can’t wait until this budget is finally produced here on the floor, because we have not had a budget in years, until President Clinton was the President, that has been balanced.

Mr. RYAN of Ohio. Balanced by not one Republican vote in the House or the Senate.

Mr. DELAHUNT. No. I understand that. But, do you know what? Let us remember when we had dialogues and working relationship between the President and the Congress. Let’s give credit. What I am looking for, when I hear talk about let’s sit down and talk, of course, we welcome that, and let’s have this understanding. Let’s work together.

How can you work together when you have closed-door deals going on that would save the American taxpayers of America for $22 billion? Is this about saving the HMOs and the health care industry money, or is it about taking care of the American taxpayer?

So, please, please, let’s match the rhetoric with action. Has it not with closed-door deals that benefit the health care industry, the $22 billion, and think nothing of helping the American taxpayer.

Mr. RYAN of Ohio. If the gentleman will yield, the point is that it is not that we have the money to give the health care industry. It is not like we have it. It is not like you look at the table behind me in the House of Representatives and it is stacked with money and who wants it. No, the health care industry.

Mr. MEEK. We will give them some. We don’t have the money to give.

This is the point I think we need to focus on: We don’t have the money in the United States of America today to subsidize the energy companies, to subsidize the health care industry. So what is the Republican Congress doing? They are borrowing the money, Mr. MEEK. They are borrowing the money from the Chinese, they are borrowing the money from the Japanese.

Mr. DELAHUNT. Reclaiming my time, they are borrowing that money, but they are not giving it to the American taxpayer. They are giving $22 billion of it to HMOs in this country. So why is the Republican Congress doing? They are borrowing the money, Mr. MEEK. They are borrowing the money from the Chinese, they are borrowing the money from the Japanese.

Mr. RYAN of Ohio. Right. If you break it down, Mr. MEEK, basically what we are saying here in the United States Congress. Article I, Section 1 of the Constitution creates this House of Representatives. Levy taxes. The Republican majority levies taxes on the American people. The money comes down here.

What do we do with it? What the Republican majority is doing with it is they are spending it on corporate welfare, and we don’t even have it to give to them. So the Republican majority wants to give them so much that they have to go and borrow the money. I am not making this up. So the Republican majority goes out and borrows the money. They have borrowed so much money in the past 4 or 5 years that they have to go out and borrow it from the Chinese government, from the Japanese government and from—

Mr. DELAHUNT. OPEC.

Mr. RYAN of Ohio. OPEC countries in order to fund the corporate welfare.

Mr. DELAHUNT. Reclaiming my time for a moment. It is like we have developed a new class in the United States, and I am trying to think of an appropriate term. The one that just came to mind while you were speaking was we have a class now of welfare kings.

Mr. RYAN of Ohio. Bingo.

Mr. DELAHUNT. Welfare kings. What about, Madam Speaker, this $22 billion? Who is it going to? It is going to the welfare kings in this country. That is who is receiving it. It is a tax on Americans. We had a savings of $22 billion, but somebody, behind closed doors, by the way, without the presence of the minority party, decided to give it to some welfare kings.

Mr. MEEK of Florida. If the gentleman will yield, let me just basically say, Mr. DELAHUNT, the bottom line is backroom deals are nothing new to the Republican majority. They do it every day, every hour.

That is the reason why we are in the situation we are in now as it relates to our fiscal situation. They are meeting with these special interests. I am going to back halls of Congress, not here on the floor of the House, but in the back halls of Congress, and we wonder why things are the way they are.

Do you want to talk about irresponsibility? The bottom line is we can’t even print them fast enough. Secretary Snow writes a letter saying we have to raise the debt limit or they will not be able to continue to finance government operations. That is on December 29.

There are so many letters. I just don’t have time. The bottom line is here, February 16, just last month, again, the Secretary writes and says that we have to raise the debt limit, and if we don’t do it, if in fact, no, today, on February 16, he is going to have to go into the G fund, the retirement fund for Federal employees.

One more letter, Mr. RYAN, if you would bear with me. Here again, March 6, 2006, he is saying that we have to exercise some of the power that has been given to me by Congress. We no longer can operate unless you raise the debt limit.

The bottom line is, Mr. DELAHUNT, that you cannot believe what the Republican majority tells you as it relates to, oh, we want to cut the budget in half. Oh, true us. We will make sure that we are fiscally responsible.

The bottom line is these letters by the Republican Secretary of Treasury, as a matter of fact, Mr. Snow, I think he is a nice guy. He is the accountant for the United States of America.

Mr. RYAN of Ohio. He is a CPA.

Mr. MEEK of Florida. He is a CPA, and he lets us know when we are running out of money. The bottom line is that he is saying he has to take drastic steps. Never before, this last letter just written days ago, it says for the first time in the history of the United States of America, we may not be able to reach our obligations to foreign nations.

Madam Speaker, I think this is something we need to do. That is confirmed and we need to do something about versus being alarmed about, but we need to do something about it immediately.
Ms. WASSERMAN SCHULTZ. If the gentleman would yield for a question, I am sort of the least senior of the four of us here tonight. I am a freshman. I have just gotten here a year ago. I am wondering, you are talking about the four letters that you have shown that Secretary Snow has sent to the Congress asking us, begging us, to increase the debt limit. Would this be the first time under this administration, Mr. Ryan, that that was necessary?

Mr. DELAHUNT. That means almost $1 trillion, which means Congress raises the debt limit has been in. June of 2002, $450 billion, Republican Congress has raised the debt limit in order to not have to increase the government retirement programs into the government retirement programs again. A billion minutes ago, it was a billion dollars ago was. Under this administration, a billion dollars ago was. Under this administration, a billion dollars ago was. Under this administration, a billion dollars ago was. Under this administration. A.D. 104, and the Chinese first invented the doors on us. You do not tell us about the issues that are confronting the American people; in 2001, in 2000, in 1999. And 2004, in 2005, and 2006, they were Republican majority, they are sending that to the Republican majority will grant him the raising of the ceiling so we can owe foreign countries more money.

Mr. RYAN of Ohio. Why did they? They rubber-stamped it in June of 2002. They rubber-stamped it in May of 2003. They rubber-stamped it in November of 2004. Go ahead. Put it on there. Mr. DELAHUNT. Mr. Speaker, I think it is important that the American people understand who is running the show here in Washington. In 2002, the House of Representatives, the majority were Republicans. In 2003, in 2004, in 2005, and 2006, they were Republicans; in 2001, in 2000, in 1999. And since 2001, January, we had a Republican President. And the same is true on the other side of this building in the United States Senate. So when I hear the head, I presume our colleague is the Chair of the Official Truth Squad, say, you know, we have got to curtail spending, and the Democrats want to take money out of your pockets. I am really befuddled, Madam Speaker. I am really confused, because you are in charge. You are running the operations of Government. Where have you been? Why did you not cut before? Why did you not manage this in a more cost-conscious way? Why did you go and borrow money from the Chinese? Why did you borrow money from the Koreans? Mr. RYAN of Ohio. Why did you borrow money from OPEC?

Mr. DELAHUNT. Exactly. And what is the story? When you come to the floor, the rhetoric is, we want to work with you. And yet when Democrats say we are willing to sit down and have a respectful and substantive discussion about the issues that are facing America, what do you do? You close the doors on us. You do not tell us where you are meeting. You do not tell us what time.

And you gave a break to the HMOs of $22 billion, which is like asking the taxpayers, you are increasing the tax to the American taxpayers by $22 billion at the same time. It does not compute. Mr. RYAN of Ohio. Can you imagine, Mr. DELAHUNT, if you are asking the American taxpayer who is already paying an increase of 15 to 20 percent a year in their health care, and now you are telling them, this is what you are telling them, this is the God’s honest truth. This is third-party validators, we are not making it up. You are also saying that the money that is taken out of your taxes that you send to the Republicans down here in Washington, that money is also going to the HMOs. So not only what you pay out of your paycheck every single month, but also the taxes that you see come out, that you send down here to the Republican majority, they are sending that to the HMOs, too.

Ms. WASSERMAN SCHULTZ. Because the third-party validators that we use on this floor is for the purpose of showing that others who have fact-checked, experts who have fact-checked what is going on internally in this institution report on what they see.

And so if we are going to talk about accuracy and clarity, it is the third-party validators who the American people are going to listen to. You know, quite honestly, although I really feel privileged to be able to come and join you on this floor every night, a lot of people would just chalk up what they say and what we say on the floor as noise, you know, as partisan noise.

And so third-party validators are important. And so let us talk about what USA Today said about who is in charge and what they are responsible for and what they could have done about it. This is just last week, February 21, about 10 days ago.

USA Today editorial. The title of the editorial was Who is Spending Big Now: The Party of Small Government. Tax cuts, they say, force hard decisions and restrain reckless spending.

The last time we looked, according to USA Today, the last time we looked, though, Republicans controlled both Congress and the White House. They are the spenders. In fact, since they took control in 2001 they have increased spending by an average of nearly 7½ percent, 7½ percent a year, more than double the rate in the last 5 years of Clinton-era budgets. I mean, the truth hurts. Mr. RYAN of Ohio. You cannot make it up.

Ms. WASSERMAN SCHULTZ. That is factually accurate information by an outside source.

This is not by people who have D and R’s next to their name in this Chamber. There is a better way. Mr. RYAN, we had a better way that Democrats were responsible for with
their votes, some who lost their offices in casting their votes for the PAYGO rules that we used to have here. You have another third-party validator chart up there right now that talks about the education investments that we make here.

Mr. Ryan of Ohio. When you look at what you are just saying, what Mr. Delahunt was just saying, that the money is now, all these tax cuts, but yet they are still borrowing money to spend billions of dollars to give it to the health care industry or everything else, where is the money not going?

I had a friend of mine who is from Russia, his name is Vladimir, and Vladimir was just a third-party observer to all of this as he was watching. And he couldn’t believe honestly the rhetoric that he would hear as a new citizen of the country versus what was actually happening because he was into politics and he was paying a little bit of attention.

So all of it, this money that is going to the HMOs and going to all these different places, where is it not going?

Mr. Delahunt. It is going to the welfare kings and the health care industry. If you look at where it is not going, this is the Federal Government's commitment to education. As Ms. Wasserman Schultz said, this is a third-party validator. This is called the Committee for Education Funding in February 2006. In 2002 there was an 18.2 percent increase. And as you can see, it dramatically is reduced. As Mr. Ryan of Ohio, the 2007 budget President Bush's proposed budget, Mr. Delahunt, there is going to be a negative 3.8 percent decrease in education funding. So as we are competing in a global economy with 1.3 billion Chinese workers, with 1 billion workers in India, with the country of Ireland that is called now the Celtic Tiger because of its increase; and part of what the Celtic Tiger has done is make education free for everybody, college education. We are decreasing education. And so my friend Vladimir is right.

Look at what is happening in this country, Madam Speaker. We are giving money to the welfare kings and decreasing funding for our students. Now, that is appalling to me.

Mr. Delahunt. Can I tell you where else the money is going? The money is being wasted. And the money is being because of sheer incompetence and mismanagement. And no big contracts, no big contracts. I will tell you where the money is going. Let me give you one example.

Can you all see this right here to my left, row after row after row after row of trailers. And they are all sinking into the mud. These were the trailers that FEMA, the Federal agency that responds to natural disasters, purchased I am sure for hundreds of millions of dollars. I do not have the exact amount.

Mr. Ryan of Ohio. Three hundred million dollars.

Mr. Delahunt. Three hundred million dollars. So there is $300 million sitting out there, sinking into the mud, that will not ever be used. Meanwhile, we have thousands, tens, hundreds of thousands of people in Alabama, in Louisiana, Mississippi, Gulf States, that were devastated by Hurricane Katrina and they do not have any homes. They are homeless. They are living in their cars.

It is a natural disgrace. Six months after the disaster. But because this administration has made incompetence a virtue, we are wasting $300 million of the taxpayers' money, Madam Speaker. I mean, think of that. If you want to talk about fraud and abuse and mismanagement, that picture, let me suggest, epitomizes.

Ms. Wasserman Schultz. You have picture after picture and week after week of new revelations about the shocking aftermath of the response of this administration to Hurricane Katrina. Last week it was the videotape evidence that when Max Mayfield, who is based in Miami at the National Hurricane Center, clearly warned the President and those assembled from the administration's team, that it was quite possible that the levees in New Orleans would breach, and then on Tuesday, 2 days later, you have the President declaring that there was no way that anyone could have anticipated a breach of the levees.

I mean, how do they look at themselves in the mirror? How does he look at himself in the mirror and go on each day?

Mr. Delahunt. How do you say, if I can interrupt, how can you say we were fully prepared? We were fully prepared? The President said that to the American people in the aftermath of the hurricanes and in the disasters that befell the Gulf States.

This is just a closeup of the picture of the chart that I showed earlier of those trailers that are crumbling somewhere, sitting there, the cost of $300 million. Well, if we were fully prepared, God save this Republic in the event of another natural disaster or a terrorist attack. I would suggest to the American people and to you, my friends, that we are ill-prepared. We are not fully prepared. We are unprepared. We are fully unprepared because of the incompetence and mismanagement that we witness on a daily basis near Washington.

Ms. Wasserman Schultz. I know the gentleman from Florida wants to go back to PAYGO, but what I heard today in a meeting earlier in the afternoon, I heard the feeling and the sentiment, the desire expressed this way: Whether you are talking about the aftermath of Katrina, and quite honestly in my community the aftermath of Wilma, or you are talking about this port deal, the bottom line is that the homeland is not secure. The homeland is not secure.

We have port security that has been essentially undermined by the Republican leadership here, and I know we will talk about that in a little bit, but the American people's confidence in their government has been shaken. We continually have to increase the debt limit and we have a solution, Mr. Ryan of Ohio, that we have been pushing over and over and over again repeatedly. Yet, it falls on deaf ears.

Mr. Mee of Florida. Ms. Wasserman Schultz and Mr. Delahunt, you are 110 percent right. The bottom line is who is going to level with the American people, tell them the truth about what is going on? If you are not prepared, say you are not prepared and then take the steps to get us prepared.

The American people, we are an understanding people. We know we run into real issues every day in our own homes, but for the President to say, A, he did not know anything about possible levee breaks or individuals being drowned in detrimental situation and loss of life, the video proves that that is not the case. Time after time, again, this administration has been caught on camera, okay, saying one thing to the American people and something else is going on in the background.

As you know, we have asked for a Hurricane Katrina Commission, just like the 9/11 Commission, so we can get down to the bottom of this. It is not to say, hey, Mr. President, you were wrong; Louisana, you were wrong; New Orleans, you were wrong; other Gulf cities, you were wrong; Mississippi, you were wrong. It is not finger pointing. It is making sure that we correct it. If we find ourselves in a bad situation, we have got to make sure we correct it.

Speaking of correction, I think it is important that we share, Madam Speaker, the fact that we are going down almost a path of no return. This Republican majority, Madam Speaker, is in total control in a way that they are borrowing as much money as they can possibly borrow from who? Foreign nations, foreign nations that we have questions about.

There was just some press accounts today talking about Iran. Iran's President is shooting verbally back at the United States of America, saying, bring it on. The bottom line is that this administration has put us in a position. Madam Speaker, that if we say something about Iran, that we want to get serious with, and they should not chuckle when we say it, and that is what is happening right now.

As it relates to fiscal responsibility, I just want to speak for a moment very boldly on the fact that we have tried to do everything we can as a minority, and as you know, as the minority party, we do not have the votes to be able to push the policy in the direction we need to push it, pay-as-you-go. But if you are in a situation where you are borrowing more from countries, record-breaking borrowing from countries that at $1.05 trillion, let me just
add the Republican Congress to that because the President cannot do it by himself. $1.05 trillion from foreign nations, more than any other time in the history of the Republic in 4 years, from 2001 to 2005, versus 42 Presidents before this President and Congress who vetoed the PAYGO rule. $1.01 trillion from foreign nations in 224 years, it is alarming. I want to say that we have tried to stop that from happening.

On March 30, 2004, Republicans voted by a voice vote the motion by Representative MIKE THOMPSON of California, who is a Democrat, to instruct conferences to use pay-as-you-go policies. Also, again in 2004, vote number 97, we believe in third-party validators, they voted down. Similar vote on May 5, 2004, Republicans voted 208-213, Republicans on the 215 part, to reject a motion by Representative DENNIS MOORE, once again Democrat. In 2004, vote number 145, similar vote on November 18, 2004, Republicans voted to block an amendment to Representative H. Moore, who is no longer in Congress, to not raise the debt limit and to be able to use pay-as-you-go.

Mr. RYAN has two other examples there that are recent that Mr. SPRATT has said that since the Republicans have been in power to stop this Republican Congress from putting this country in further debt to foreign nations. That is incompetence. That is jeopardizing America’s security. That is jeopardizing America’s financial security.

If you compare the track record of the United States of America recently, you know, we are not doing so good because we have a certain amount of money that you earn. You have a certain amount of money that you earn. You must pay for that every single day, but most people think it is totally irresponsible. Even if they are engaging in it in their own house, they think it is the wrong thing to do, to spend what they do not have. I do not know in America that anyone has the ability on their own to raise their debt limit in their household. Can you imagine, you reach a point in your day-to-day life and you are going along and you have a certain amount of money that you earn. You have a certain amount of money that you earn. Let us say you have a couple of credit cards. When you reach the debt limit on your credit card, the maximum that the credit card company will allow you to put on that card, unless you ask permission from the credit card company, you cannot do that usually, depending on your track record.

If you compare the track record of the United States of America recently, you know, we are not doing so good because we have a certain amount of money that you earn. You have a certain amount of money that you earn. Most credit card companies would say, no, we are going to stop you at a certain point and not let you raise your debt limit.

Mr. DELAHUNT. Madam Speaker, if I can, that is the problem that the Secretary of the Treasury has. He is representing an administration and a rubber-stamp Congress that can only be described as irresponsible when it comes to fiscal policy. I mean, maybe they ought to write back, now, this is a letter dated March 6, 2006, and say, you know, we are sorry, but we are not going to raise the debt limit anymore; we are done, we are finished, we are closing you down.

Why should we be voting to raise the debt limit? With all of the fraud and the mismanagement and the abuse of the taxpayers, why do we not go back to that conference committee and tell them to reconsider their closed door deals? Why do they say $22 billion? Why do we not do that instead? Or why do we not recommend that the Bush administration stop spending $1.6 billion on advertising and public relations contracts; why do we not do that? Why do we not tell them to stop the no-bid contracts that are leaving resources sinking in mud somewhere in Arkansas to the tune of $300 billion? Why do we not tell them that they ought to go find the $9 billion that they cannot find that is somewhere in Iraq that is unaccounted for?

You know what? I am not going to vote simply because the Secretary of the Treasury of the United States is representing an administration that is in accord, if you will, with a Congress that cannot handle the budget in an appropriate way.

Mr. MEEEK of Florida. Madam Speaker, if the gentleman would yield, I think it is important for us to realize that we are doing it in the wrong way. This is not something that we have dreamed up. This is not something that just happened yesterday.

I am just going to read what Secretary Snow said, Secretary of the Treasury, appointed by the President, confirmed by the Republican Senate. I think you have to pay attention to what he said. This is not what we are saying but what the Secretary said.

In a letter to Congress he urged lawmakers to pass a new debt limit ceiling immediately to avoid the first default on foreign obligations in U.S. history. For the first time in U.S. history. This is a Republican Congress saying trust me, a Republican White House saying trust me, a Republican Senate saying trust me, we know what we are doing. The first time in U.S. history. This is a fact. That is from the lips of the U.S. Secretary of the Treasury.

He goes on to say that the full faith and credit of the U.S. Government, he is saying to the leaders of the House and Senate, that the full faith and credit commitment, referring to the fourth amendment of the U.S. Constitution, that we will pay our bills. What he is saying now is that for the first time in U.S. history we will not be able to pay our bills. This is not a situation created by us. We tried to stop it with PAYGO and went through the whole process with that. This is the Secretary of the United States Department of Treasury.

I am sure the Members, Madam Speaker, I can imagine, you from the beginning, and no other party, the United States of America. Democrats have nothing to do with that. We have borrowed. That is the money we have borrowed. Almost all of it is from foreign countries.

Look, of all the money that we have borrowed, almost all of it is from foreign countries. That is the money we have borrowed. Look, of all the money that we have borrowed, almost all of it is from foreign countries. And I am sure the Members, Madam Speaker, cannot even see this. This is the money we have borrowed from domestic interests. Look, it is a joke.

Ms. WASSERMAN SCHULTZ. And, Mr. RYAN, if you would yield, this is also the party that tries to represent themselves as the party of less government and more personal freedom. And in my time here, just in the year that I have been here, we don’t even talk about the Treasury Secretary and the debt limit anymore because so much else has happened that is disturbing in terms of their leadership that that seems like a
MR. RYAN of Ohio. It doesn’t even know about it.

MS. WASSERMAN SCHULTZ. Right. Not the least of it was that he did not even know about it.

MR. MEEK of Florida. I am sorry, Mr. RYAN, you are going to have to yield to me, sir.

MR. RYAN of Ohio. He said he didn’t know about it, and I believe him.

MR. MEEK of Florida. Mr. RYAN, you have to yield to me. The President has said that he has not known about a lot of things and then we found out later.

MR. RYAN of Ohio. No, if he said it, it is true.

MR. MEEK of Florida. He thinks someone might have said something to him about it.

MS. WASSERMAN SCHULTZ. Six White House offices were part of the committee that reviewed this port deal. I asked in Financial Services. I am on the committee. I am on the subcommittee where we had a hearing last week, and the President still didn’t know.

MR. MEEK of Florida. Let me just say this, Ms. WASSERMAN SCHULTZ. Democrats on this side of the aisle have great credibility when it comes to homeland security. Great credibility. I am on the Homeland Security Committee. We asked the Department of Homeland Security.

Madam Speaker, we brought the President and the Republican majority off guard, kicking, yelling, not to do it. Now, we did it, but they do not want to provide the oversight, when I am saying the Republican majority.

I just want to mention a few things now that we are getting into this subject, because I want to put what we are doing first versus what they are not doing.

September 29, during a meeting of House and Senate conference, Democratic Congressmen Obey and Sabo and Senator Moynihan offered an amendment to increase funding for port container security by $300 million. House conference defeated the amendment on party-line votes.

2004, October 7. During also a House and Senate conference committee, the same Democratic Members offered a similar amendment to increase and enhance funding by $150 million. Republicans defeated it on a party-line vote.

On June 18, 2004, Democrats supported the amendment to increase port and container security by $400 million, because this is what the Coast Guard is calling for, Mr. DELAHUNT.

MR. RYAN of Ohio. It is what they want.

MR. MEEK of Florida. This is not where we are just picking a number out of the sky. And this is not all they need. We are trying to give them a little bit more, and I will yield to Ms. WASSERMAN SCHULTZ in a minute and she will talk about what is being checked and what is not being checked.

We are trying to do something about it. We are trying to protect America.

So it goes on, Mr. DELAHUNT, and Ms. WASSERMAN SCHULTZ, and it goes on and on. If we had enough time, I could read all this off.

So when folks start talking about where are the Democrats on this issue, just because the Republicans say it, it does not necessarily mean it is true. We have facts. Madam Speaker, and the CONGRESSIONAL RECORD on our side and commitment to the American people and the safety of our country on our side.

The bottom line is that the Republican majority talks about things, and we do things. When we are in the majority, we will do it. We will not talk about it. We will talk about what we have done and how we are doing it.

MS. WASSERMAN SCHULTZ, can you share with the Members this chart?

MS. WASSERMAN SCHULTZ. Oh, most definitely, just to take off from where you have launched. Really, the facts are laid bare.

It is evident who is for security and who is just kidding. And if you look at this chart here, this pie chart, the source is Fox News, that is our third-party validator, so we are not talking about a liberal bastion, who is for security and who is just kidding? Less than 6 percent of our U.S. cargo at our Nation’s ports is physically inspected. That is 95 percent not inspected. We will say 94 percent not inspected and 6 percent inspected, but I think actually the number is just a little lower than that.

The difference between the increase in security at airports and the increase in security at ports since the 2001 9/11 attack is $18 billion. Mr. RYAN, increased airport security, compared to a $700 million increase in port security.

Now, I heard one of our colleagues bragging about the $700 million increase and trying to detail how much of an increase the six ports received that the port deal, the DPW port deal, was involved in, as if that was some fantastic accomplishment.

There is a $6 billion difference between what the Coast Guard has said they need, a $6 billion difference. The Republican Congress has shortchanged port security by $6 billion, according to the Coast Guard. They have requested $7.2 billion.

MR. RYAN of Ohio. Third-party validator, the U.S. Coast Guard.

MR. MEEK. The U.S. Coast Guard.

MR. RYAN of Ohio. So if someone would say we are not telling the truth, they are saying the Coast Guard is not telling the truth.

MS. WASSERMAN SCHULTZ. Not Mr. MEEK, not Mr. RYAN, but the Coast Guard has requested $7.2 billion and gotten $910 million in congressional appropriations. That is a commitment right there to national security.

MR. DELAHUNT. I think we ought to inform our colleagues here and those that are observing our conversation what the Democratic policy is in terms
of inspection of goods coming into this country is not 5 percent, but 100 percent. We have what I would call a zero tolerance policy, and it can be done, and it can be done in a very cost-efficient way, in a way that not only will prevent a terrorist attack coming in via our maritime shipping, but will be efficient in terms of taxpayer dollars.

Do you know in Hong Kong every single container ship that comes in, every piece of cargo, goes through a high-technology review? Every single piece is inspected. I guess what my point would be is that if they can do it in Hong Kong, we can do it in the United States of America. We can do it. We should have a zero tolerance policy, period.

Ms. WASSERMAN SCHULTZ. Mr. DELAHUNT, the point is the issue is so much bigger than this one port deal. This is emblematic of the tremendously significant problem. You cannot say even if this problem gets addressed, this port deal gets addressed, which it should, you cannot say, okay, we are done. It is so much deeper than that. Democrats have been constantly fighting for increased port security, and Republicans have not, plain and simple.

Mr. RYAN of Ohio. Time and time again.

Madam Speaker, if Members would like to get ahold of any of the information, all of the charts we had here tonight are available on our Website, www.HouseDemocrats.gov/3osomething

Also, Mr. Speaker, my old high school, the John F. Kennedy Eagles, bow out of the high school tournament tonight. They lost to Campbell Memorial High School, and I just want to say what a great year they had. My brother happens to be the assistant coach. I wanted to give a shout-out to the John F. Kennedy basketball team.

Mr. DELAHUNT. Madam Speaker, let me just conclude by saying we should not ever mislead the American people.

We know and they know who is in charge in Washington. When I hear comments that would suggest that Democrats are in any way impeding or obstructing this Congress, my response is that is absurd. The Republican Party is in control.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. FOXX). The Chair has shown lenience toward the rather informal pattern by which Members have been yielding and reclaiming the time controlled by the Speaker. This is the first time I believe it is important that we continue to help developing countries like India emulate technologies already adapted by the United States to increase farm production. We must support programs like those at Cook College, the Rutgers University agricultural school in my district, that aim to help farmers with agricultural solutions through education and research. Through their involvement in various international initiatives to promote modern research and development, Cook College and others are vital to global food production.

Madam Speaker, energy cooperation is another strong aspect of the growing relationship between our two Nations. Just like the U.S., India is facing spikes in oil and gas energy prices, and they are searching for ways to fuel their rapidly growing economy. As developing economies continue to expand and existing industrial economies use more and more energy, global demand is leading to serious price increases. That is why we must work together to develop alternative sources of energy for homes, businesses and cars. We must find ways to promote the development of stable and efficient energy markets in India to ensure adequate and affordable supplies.

I hope that over time, the U.S. and India can work together to find ways to lessen both Nations’ dependence on foreign oil. It is critical that we reduce the world’s dependence on oil from unstable nations that pose security threats to us and our allies.

Last July, President Bush and the Indian Prime Minister, Manmohan Singh, agreed that the U.S. would share nuclear technology for India’s civilian energy use. Since then, chief delegates from both governments have been tirelessly negotiating the details of India’s separation of nuclear power into civilian and military sectors along with establishing international oversight for India’s civilian programs.

At the conclusion of his trip, President Bush announced the details of an agreement that both parties have signed on to, and now all that remains is congressional approval, which I urge my colleagues to support when it comes under consideration.

However, the President’s trip to India last week should not be viewed merely as a way to complete the Nuclear Cooperation Agreement. Indeed, the President used his time accordingly to discuss all the issues of importance to the growing U.S.-India relationship, including peace throughout the region and cooperation on global issues like agriculture and energy.

IMMIGRATION

The SPEAKER pro tempore (Mr. DING). Under the Speaker’s announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for the balance of the time remaining until midnight.
Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege to address you. Mr. Speaker, and address this United States House of Representatives. I have a series of issues on my mind here tonight. As I listened to some of this discussion, I promised myself to discipline myself to the subject matter I came to the floor to address, and that, Mr. Speaker, is the issue of immigration.

First, I would say that we have a history of immigration in this country that dates back to the very beginnings of the colonization of the 13 American original colonies.

America certainly is a nation that has benefited greatly from immigration, so that is why the Founding Fathers and the ratifiers of our Constitution put into this Constitution the directions to the United States Congress, Mr. Speaker, that we establish immigration policy. That immigration policy is the responsibility, the constitutionality, and the province of the United States Congress, and throughout the decades, and now centuries of immigration, that policy has been established by Congress, and we, for the most part, have adhered to those amounts and values that were reflected.

As I look back across those two centuries, I think there was a time in the early part of the 20th Century when there was a significant and massive amount of immigration that came into much of it through Ellis Island, there was a real effort to settle a land that did not have a lot of population in it.

The region I represent in Western Iowa is one of those areas, as most of America is, I will say west of the East Coast. In fact, the population peaked out in my home county in the year 1912, much of it because of immigration. Since that time, it held steady for quite a while and has actually reduced in some counties because we have found ways to get the same amount of work done with less people because we have machines now to do a lot of that farm work that wasn’t being done any way except by hand.

So immigration has been certainly the only way that this continent could have been settled. As I look around the United States, that is the case for most of us.

Mr. Speaker, I should back up to about 1924. That was a watershed year for immigration. That was the year in the aftermath of World War I, after the huge numbers of immigration had poured into the country, after my ancestors arrived here in a legal fashion, I would point out.

In 1924 Congress made a decision that they wanted to slow immigration down significantly. They wanted to do so so there would be an opportunity to have a time period where there could be an assimilation into this American culture. There was a concern that the picture of America would be different if the immigration kept continuing to refuel the cultural values that came from mostly Europe in those days, Mr. Speaker.

Our predecessors in this Congress understood that there is a limit to how much immigration a nation can prudently accept. They understood that there is something called a unique American culture and that overall civilizational culture here, that is the sum total of the values of all the subcultures that come into America.

They understood that we needed to have come one of those common values was a common language. They understood that we needed to have a common sense of history, a sense that we were pulling together, all pulling that same wagon together, not riding in it, but pulling together toward a common destiny. Those things that bind a nation together, our commonalities, common sense of history, a common sense of similar religions for the most part, a common language, English the official language, an opportunity, a common language, an opportunity to pull ourselves up by our bootstraps. And part of this American dream is to leave this world a better place for the succeeding generations and for each generation to have more opportunities than the preceding generation had.

That has been a true fact, I believe, for every generation of Americans. Each generation has had more opportunity, and it is because this American culture that we have, has always striven to provide for more opportunities for the next generation.

So in 1924, they dramatically shrunk down the legal immigration coming into this country and they stalled immigration throughout that period on from 1924, on through the Second World War, on through the 1950s, up until about 1964 when they passed an immigration act that began to open up immigration in a larger way here in the United States. We had a 15 year hiatus from significant immigration numbers, and that was the period of time by which actually two parts of two generations were assimilated into America and there became a distinction here in this country, very much commonality.

We lost our sense of what was the country that our ancestors came from, we lost our sense of ethnicity, and we absorbed this American ethnicitiy with this great dream we are all created in God’s image and there is not a distinction between his creation, and we could all come here and make a living and prosper together and all under one flag.

Well, so in 1964, perhaps 1965, when immigration laws were changed, it began to open this up and it was opened up in a way that they didn’t realize at the time I don’t think the kind of numbers that would be coming, but it began to set a new set of parameters. Chain migration was one of those, where a person could immigrate into the United States and then begin to be able to bring their family members in. Later on there was legislation that was passed that provided for a visa lottery so that there would be 50,000 people that would come into the United States by just entering their name in a lottery, and if their name was drawn from the lottery, they would come to this United States.

Those kind of policies began to come into play, and as that went along, immigration accelerated then from 1965 on up until 1986 when there was an amnesty program that was passed by Congress and signed by the President. This truly was an amnesty program. It was about 3 million illegals in America at the time that were given a lawful permanent resident status and a chance to become citizens of the United States.

I have met some of the people that came here illegally that presented themselves under the amnesty plan and became citizens of the United States, and I don’t quarrel with the contribution that they had. I had to take their identification down, their Social Security number, get the data introduced on an I-9 form, put that on file, and that was my protection in a way, but my responsibility as an employer to make sure that took due diligence to hire lawful resident here in the United States, people who were legal to be here in the United States and could work here legally in the United States. I followed that with due diligence for years and years, anticipating then the INS would knock on my door some day, go through my files, check my employees and verify that I had been doing that due diligence and had legal status.

Of course, the INS never showed up in my small operation. They showed up in a few of the larger operations back in 1986, 1987 and through the early nineties. But as the years went by, there was more and more enforcement at the employer level, fewer and fewer employer sanctions. And I wasn’t very happy during the Clinton years as I saw a lack of will to enforce our immigration laws.

So we come to the year 2000, the election of our current Commander-in-Chief. And as I watched the enforcement, and I have noticed that within
the last couple of years there haven’t been a half a dozen employers that have been sanctioned for hiring illegals, that is how far we can have come with this rule of law. We sent the message to people that came into the United States illegally that there was a reward for breaking our laws. If there was amnesty at the end, there was a path to citizenship, which many of them did receive.

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And then the trade-off was that there would be enforcement. And that would make it harder, that would shut off the jobs magnet, and, of course, then it would take the incentive away for people to come across the border to come into the United States illegally. That was the idea on how we were going to slow down border crossings, especially on our southern border.

But when the employer sanctions wound down, slowed down through the Clinton years and came to essentially a stop in the last couple of years, at least from all practical purposes came to a stop, that message echoes down below our southern border.

In fact, that message was going below our southern border well before it was clear that there are no employer sanctions. I happen to know that there was at least one corporation within the region that I represent who put up billboards in Mexico to recruit Mexican citizens to come to the United States illegally, to come to work for this particular company. There were other companies that did the same thing.

So the message goes down clear into southern Mexico, here is a path for you, come on up, we will set you up, we will pick you up, we will bring you into the United States, we will put you to work, and we can put you to work under whatever Social Security you might submit, because after all, there would not be an employer sanctions, there would not be an INS raid that would come in and pick people up and deport them back to their home country, which is what the law says.

That is what has happened with the immigration picture here in the United States over that century called the 20th century and beginning into this new century that we are in, this 21st century. And we have evolved into a situation where people in America understand we do not control our border. We do not enforce our laws. We do not stop illegal traffic in a significant way coming across our border, and once they get into the United States they are essentially home free. They can go to work for about any company that is willing to hire them, and we will not see now ICE show up, the Immigration Customs Enforcement people show up, to enforce employer sanctions or to do a round-up and do a deportation.

And so businesses, being what they are, capital is always rational, Mr. Speaker, and so it will follow this path of least resistance. And you need a se- ries of components to run a successful business anywhere, and certainly that is true in the United States of America. And some of those components are raw materials, facilities. You need capital, and, of course, you need administrative and business knowledge. You need a product or service that you are going to sell and a marketing ability and all of those things that go with it.

But you also need labor. And generally the highest cost to any business, single most, is labor. And so business, being astute, will reach out to fill that gap in the cheapest way they possibly can. The most effective way for the dollars they will invest, I should say, because if they can get good, high-quality labor and pay a little more money for it, they will go that route, because that is rational, as capital, we know, is rational.

So business has set about bringing in cheap labor, especially across our southern border, putting them to work essentially with impunity, without fear of sanctions.

And this process as it began, it accelerated. Well, it was not a new process, especially along our southern border, but there were producers that raise specialty crops. It takes a fair amount of stoo labor and hand labor to raise those specialty crops. It took more 20 years ago than it does today, because machinery and technology has replaced some of that labor.

But that problem along the southern border was often the kind of situation where it was fairly localized, I do not excuse it, I do not agree with it. In fact, I disagree with it. But it did not bother the rest of the United States very much because that human traffic would come across the border and go to work and go back south of the border to live.

It was cheaper to live south of the border, and the money could be made north of the border. As that flowed back and forth, there was not a lot of public outcry until such time as the penetration of that illegal labor began to come up into the heartland of America and spread out to our coastal areas, along the Atlantic and the Pacific coasts, and on up into the Upper Midwest and Chicago, New York, the Northeast part of the United States. But in Iowa also that replaced a significant number of illegal workers.

And so as that happened, America began to understand what it was doing in our southern border. But business was taking care of themselves by going to the well for cheap labor, because they would make profit with cheap, illegal labor.

Now, there is a thing in business called supply and demand. I mean, Adam Smith articulated it better than anyone and earlier than anyone in 1776 like the book Wealth of Nations. But I will submit, Mr. Speaker, that labor is a commodity like oil or gold or corn or beans, where I came from, and the value of that labor is determined by supply and demand in the marketplace. If there is a large supply of cheap labor, labor that is willing to work well under the going market for the existing labor, that cheap labor is going to underbid those workers, displace those workers, and business is going to make that hire, and cash the profit. That is what they are in business to do is to return investment to their shareholders.

They did not need to ever come up with other alternatives to labor because they had the easy supply of cheap labor just south of the border. So business did the rational thing. It was capital, after all, driving the decision. Capital is always rational.

The United States had that option, because we have a 2,000-mile border on our southern border, and wages are significantly cheaper down there. But just, Mr. Speaker, take, if you will, if the United States were a Nation unto itself, Amazon would go out in an ocean, perhaps like Australia is, if we did not have a border that was adjacent to a country that could supply cheap labor, if we did not have an ability to just open that border and let labor pour in the way through the marketplace as this illegal labor has, what might we have done as we saw that we had a need for this and a demand for more labor?

And I would submit, Mr. Speaker, that we would have a number of other things if illegal labor were not an option. And perhaps we would have recruited from other countries, and gone to this Congress and asked this Congress under its authority granted in the Constitution to open up legal immigration into the United States. We might have reached out and recruited people to come here, people that had assets, that had skills, that were trained, that were trainable, people that did the best and the most quickly assimilate into this society and this economy.

We probably would have raised the numbers of legal immigrants if we had not had the border open for the illegals to fill that demand. That would have been one alternative—to go to more legal labor, in a prudent, manageable style that we could regulate.

Another alternative, and it would happen more than it has, would be to go to technology that has been used in the labor. I happened to see a show on television the other day about how they have replaced the hand labor picking tomatoes with machines and, through selective genetics, produced a tomato that has a tougher skin on it that can now be handled by machines. And many of the tomatoes in America are now picked by machine. It has cut down dramatically on the amount of labor that is necessary.

That is one kind of technology that has been found. And the technology that used to be, the hand harvesting of sugar beets, is now done by machine. And the list of those items that we
used to think were all hand labor has dramatically changed. A lot of the grapes in America are now picked by machine rather than picked by hand. If we had not had access to the labor, we would have produced less, developed less technology. In fact, as there is pressure on labor today, there is more technology that is being developed.

And another thing that was always evident. In the agric communities in the world, it has always been the case, you know, to some degree it has been the case in my particular life, with my aspiration in the construction business where I spent my life, families tend to raise the labor that they need. They have had families on farms because they needed the people to do the work. That was an alternative. It was a rational decision to have quite a few children. That has stopped. And I should not say stopped, but it has dramatically reduced. And families before that would have had 5 or 6 or 8 or 9 or 10, or some of the households I have been in that have 12 or 14 or 15 children, the next generation has less. Children more and those children are trained and educated to move off the farm, go get a college education, take that diploma and cash it in for the biggest paycheck they can get anywhere in the country or even in the world, and come back to the farm except to visit.

That is the message that has been sent out, Mr. Speaker, and I would ask, what are we doing in this country for the young people that the young person who wants to finish their high school education and not go to college, they do not see themselves as a student, they just want to go to work, they want to go to work in the plant, the manure spread crew, a crew of 100 people out of 10 to fill those roles but whatever the industry happens to be that is close to home? What if they just want to grow up and go to work, punch the time clock, do their 40 or 50 hours a week, see their paycheck, hang up their hard hat and go home and raise their family, buy a house, and build their future?

Those young people in America do not have that chance anymore, Mr. Speaker. They do not have that chance because illegal labor has underbid those kind of low-skilled jobs that used to be respectable jobs that used to pay a reasonable wage, and used to pay reasonable benefits. But there are young Americans that do not want to go on to a higher education. Are we operating under the presumption that everyone should be a college graduate?

I applaud education, a good man or a good woman with an education is better than one without as far as revenue of their life work is concerned, but, still, there was 1 or 2 that want to go to school, Mr. Speaker. So we have taken that away from them. We have allowed that to be taken away from them by the underbidding of cheap illegal labor.

That is what business has done. They have done the rational thing because we have not enforced our laws. Now, on the political side. There is the other benefit that is there. Why does not Congress have the will to stop in and enforce our immigration laws are enforced?

I will submit that there are significant numbers of Members in this Congress that are here because they represent a significant supply of illegals that are residents within their district. When we do the census every 10 years, as we did in the year 2000, we do not count U.S. citizens for redistricting purposes for these 435 congressional districts. We count human beings that happen to be residents in the United States and then we draw the district lines around that, about 600,000 people within each one of those district lines.

When people go to the polls to vote on whether they will send me back to Congress, it will take a minimum of 120,000 votes for me to be returned back to this Congress, and that is because that is perhaps one more vote than half that will be cast. About 240,000 votes will be cast in the Fifth Congressional District of Iowa. But there are only 2 congressional districts in California that it will only take 30,000 votes to win a seat in Congress and come here and represent the people of those districts.

And the reason is because our census counts people as citizens, noncitizens do not vote, at least they should not vote. The law says they cannot vote. And so because of the massive numbers of illegals that are residents in those regions, they have representation here in Congress whether they vote or not.

Their Member of Congress is elected from that region, certainly influenced by the public opinions in that region, and sent to this Congress on a mere 30,000 votes when those of us who represent the full population of that area that are residents in our district are required to earn four times that many votes. So one can say that an illegal in America has at least as much representation in Congress as a U.S. citizen does.

I think, Mr. Speaker, that is wrong; and I think we need to amend the Constitution so that in our census, we can count the people. We should know how many residents that are in America. That is the intent of our Constitution. That for redistricting purposes, our Founding Fathers did not envision that we would be giving representation to people who are here illegally. And so that is the political benefit that comes from illegal labor.

Additionally, there is also on the liberal side of the aisle, there is a strong push to legalize and give a path to citizenship to people that are here illegally because they see the political benefit to having more numbers, more votes, more political influence here. I have a large number of citizens of the United States of America and I am a great cheerleader for legal immigrants. And I submit that they are the people that deserve the representation in our country and that those that are here illegally do not deserve representation in this country and they are not fully protected by the rights of citizenship as some would submit in this Chamber, Mr. Speaker. There is a business for cheap labor, Mr. Speaker. There are the political benefits. Then people will argue that we cannot replace this labor supply. We cannot get along without this illegal labor. They will not say illegal labor. They always confuse the term of legal immigrant with illegal immigrant. Immigrant to them is a generic term that covers everyone, and I will tell you that when I am talking about illegal, that is the people who have come in here illegally. Real illegal immigrants, I do not know anyone that opposes legal immigration. I certainly do not. It has been good for the United States of America. It is something we must manage.

But for 3 years that I have been in this Congress, we have talked about 11 million illegals in the United States of America, 11 million. If you go back and look at the numbers and look at the proportion that is employed, the workforce of about 6.3 million illegals. These are numbers that have been bantered about here for at least 3 years. Well, that 6.3 million workforce represents 4 percent of the labor force, 2.2 percent of the gross domestic product, or, excuse me, of the overall wages of the many dollars, I think it is trillions of dollars of wages that are earned altogether in America. It is 2.2 percent of that that goes to the illegal workforce.

So by some miracle, illegal labor did not go to work tomorrow morning and that was stopped for an extended period of time, we would have to find 4 people out of 10 to fill those roles but the productivity is down to perhaps 10 people out of 100 to take over those roles that need someone to fill those roles. We noticed the difference, but it is only 2.2 percent of the overall earned wages.

So it is something that if I have a crew, a work crew of 100 people and I am going to lose two of them tomorrow morning, you can bet we will keep things running. We will keep your operation going. We will keep our production up there. We will notice a difference but we will find a way to adapt. I, as a responsible citizen and those illegal workers, that 6.3 million. I would submit, Mr. Speaker, that today there are 7.5 million on the unemployed rolls. Those people are being paid not to work today, 7.5 million. There is another 5.2 million who are losing their unemployment benefits but they will answer the polling questions and say, I want a job. I am still looking for work.

If you add that up and that is 12.7 million. Then you add to that the young people between the ages of 16 and 19 that presumably would be looking for at least perhaps some part-time
work and some that would like to go into full-time work. There are 9.3 million in that group between the ages of 16 and 19. They are not in the workforce in any way whatsoever, not even on a part-time basis. They may be going to school. They may be full-time students but they are not brought into the workforce and at least work part time. They can flip some burgers or cook some steaks or mow some lawns or fix some roofs or go out and do some harvest out here in the time that they missed the last 10 years.

Additionally, between the ages of 65 and 69 there are 4.5 million Americans and some of them presumably would go to work if we did not penalize them for earning too much money once they start to collect their Social Security check.

Additionally, Mr. Speaker, between the ages of 20 and 64, that age group that is really the workforce age group of America, there are another 51 million Americans who are not in the workforce and they are not listed on the unemployment roles and they are not part of that 5.2 million that are looking for work. This 51 million Americans, they may be retired because they can't get unemployment. They may be homemakers. They may be working in the black market somewhere doing some cash trade so they do not show up in the workforce. But there is a potential for 51 million Americans between the ages of 20 and 64.

So this all adds up, Mr. Speaker, to 77.5 million Americans that are not currently in the workforce. There are a universe of people that could be gone to hire them to do these jobs that people say that Americans will not do. So I took the 6.3 million illegal workforce, divided it into the 77.5 million Americans that are not working and that comes out to 12.3 times.

There are 12.3 people in America that are not working for every illegal in America that is working. So if you just hired one out of those 12.3 and put them to work you could solve this problem. I cannot believe that business is not smart enough to figure this out. They are smart enough to figure it out but they are taking the easy option, the cheap option, the option that avoids liability, the option that really, again, it is rational to higher illegals because they will go to work cheaper again, it is rational to higher illegals that avoids liability, the option that really, but they are taking the easy option, is not smart enough to figure this out.

I cannot believe that business could solve this. I took the 6.3 million illegal workforce, the .0765 side of the thing, 7.65 percent of their payroll, but there is no withholding for Federal or for State. They give up their payroll tax to socialized Medicare, the .0765 side of the thing, 7.65 percent of their payroll, and there is no withholding for Federal and for State if they claim the maximum number of dependents.

So what it amounts to is, if you are an illegal worker working for $10 an hour and make that decision to claim the maximum number of dependents, whether you have them or not, the withholding different is about $1.54 an hour. What is even worse is that guy wants to go out and work alongside someone who is here illegally? The American citizen is making $10 an hour, and the person who is here illegally is making $10 an hour, and you see the take-home pay. You work next to somebody. You often see that, and you realize that guy is taking home $1.54 more than I am. Why would they stay there in a job like that? Why would there not be resentment when the employer on this other side of the equation sees once he pays that $10 an hour, he is done with that? It is kind of like piecemeal work. It is like custom work. It is not like you really have a full-time employee that carries all those responsibilities with it. You just pay the hourly rate, and when the shop closes that night, you are done until the next day. There is not a lingering liability that goes on like there is with a legal employee.

I have dealt with those things on my side, and believe me, I have great respect for what you can do, but I vote out payroll checks for over 1,400-and-some consecutive weeks. We did it all legally, and we competed against people who did not often. It is unjust for us to put employers in this country, who want to do it right, and competition up against those who refuse to do it right, but a lot of it is our public policy.

So, Mr. Speaker, we passed some legislation here before Christmas, enforcement legislation, on the floor of this Congress, and it does a number of things, including tighten up our borders.

It requires employers to use the employment verification program, so I call it the instant check program. When they hire someone, they will have to enter the Social Security number, date of birth, place of birth, perhaps the mother's maiden name, a series of different indicators. That information then goes out on the Internet, the Immigration database, the Social Security database, and also, it goes to the ICE database, the Immigration and Customs Enforcement, those two databases. It will verify if that information is entered into that computer is legal or a person legal to work in the United States.

I have this program entered into my computer, and I have run a whole series of different tries on it. The longest delay I have had is 6 seconds. That is not so long when you think about how long it takes to fill out the paperwork to hire someone and the effort you have to put in it.

That bill requires that the employment verification system be used by all employers. That will be helpful, Mr. Speaker, if we can enforce anything, but I am not optimistic that this administration will enforce. So I have introduced legislation called New IDEA legislation, the New Illegal Deduction Elimination Act. IDEA is the Illegal Deduction Elimination Act. It brings the IRS into this.

The Internal Revenue Service has demonstrated a desire to enforce the laws that they are entrusted with. They want to enforce that we all pay our income tax, and they seem to be entirely willing to levy interest and penalties against underpaid taxes. So New IDEA would give the IRS the authority to take the Social Security numbers that are introduced on the 941 employee withholding forms, enter those into the instant check program, the employment verification program, and if the employer would have known they were hiring an illegal, it allows the IRS to disallow the wages and benefits that were paid to illegals as a business expense. The IRS makes that decision. That $10 an hour that was an expense item, that becomes now a profit item. It gets the 31 percent tax levied against it and also interest and penalties. This totals up to about $6 an hour on top of the $10 an hour.

The net result of New IDEA, H.R. 3095, Mr. Speaker, becomes a $16 an hour liability for this illegal employee. Now, I will not tell you that you can hire then a $16 illegal because we have all of those things we talked about, health insurance, workers comp, unemployment and retirement benefits and all those people get together to come to you with that, but perhaps a person can take a job that is legal here for maybe $12 an hour, and that levels the playing
field so that lawful permanent residents in the United States and especially citizens of the United States then can have some opportunities instead of being undercut and under-priced by cheap, illegal labor.

The New Idea, Mr. Speaker, is the New Illegal Deduction Elimination Act, H.R. 3095, and it will generate billions of dollars for the United States Treasury until employers figure out that it will be enforced by the IRS.

You might for the jobs, Mr. Speaker, contemplate that it would be unjust for us to go in and levy that kind of a penalty on employers if we did not give them some kind of safe harbor if they use the instant check program. New IDEA does give safe harbor to employers if they use the instant check program and they use it in good faith, then that gives them safe harbor. So the IRS then cannot levy interest and penalties against the employer if they happen to hire someone that is illegal and maybe the employer did not even know that he could potentially have a mistake in it.

So we set this up with the right kind of structure. We bring in the IRS to do a good task, to help enforce our immigration laws. We direct the IRS then to make sure that the employers and those reports to Immigration and Customs Enforcement so that once there is a determination made that an employer was, I will say, willfully hiring illegals, then Immigration and Customs Enforcement can come in and shut those employers down the jobs magnet.

Another thing that we need to do and that is enacted a practice that we have take on and that is a practice that we have gotten into, and so it is kind of a bad habit that we have faced with the manpower that they are faced with. This is a fairly astounding accomplishment to pick up 1,159,000, but we only adjudicated 1,640 to go back to their home country.

The rest of them, some of them, perhaps, are from a little more than Mexicans, were released because we did not have a deportation agreement with their home countries. So they just disappeared into America's society.

Then on top of that, the rest of them were released on the promise that they would return to their home countries. Will you go back to your home country? Yeah, I will go. Okay, fine. Nobody took them down to the turnstile and saw to it that they went through and then flew back into Mexico City and put them on a bus and took them to their hometown and did so because it was further for them to come back here to the United States.

You know, I think that is a questionable policy, and I do not know if it is very effective on the dollar, but we did some of those things. And yet the Border Patrol has testified that they stop perhaps one-fourth, or, maybe on a good day, a third of the illegal entrants. So that will take that 1,159,000 that came in and that number up to about 4 million. So 2 to 3 million, if you do your math, that came into the United States unabusted, and reasonably thinking that most will stay here. And yet for 3 years we have been saying 11 million illegals. But in 3 years we could have accumulated another 11 million illegals. And if the number was right 3 years ago, today maybe it is 22 million illegals rather than 11 million. And maybe this workforce is a little bigger than 6.3 million. Maybe it is 12 million. Maybe you have to hire 2 out of every 12 that are not working in America to fill that gap.

But many have said they are doing work that Americans won't do, and that concerned me. I heard a story that if you need your roof fixed in Dallas and it is 105 degrees, no American will go up and fix that roof. Well, Mr. Speaker, I will go. If you pay me $8.09 an hour and move your heart, Mr. Speaker, then I would say this: that I could hire Bill Clinton tomorrow to mow my lawn if I just paid him enough money. That is the other side of the equation.

In between those two extremes are all kinds of solutions. There are the 77 million nonworking Americans and there are ways to recruit them and to motivate them. We can have bigger families and we can use more technology and open immigration. But the rule of law must be maintained, and it must be restored if we are going to have respect for the laws in this country.

A question that is never asked, or seldom asked and never answered by the proponents of open borders, Mr. Speaker, is the question: Is there such a thing as too much immigration? That is the number one most obvious question of all. If you are going to enter into this discussion and do and you are going to seek to establish an immigration policy and be a part of that debate and put your vote up, you ought to have an opinion on whether there is such a thing as too much immigration.

Some will go off on tangents and not answer that question. If you pull them back from their tangents and just insist, is there such a thing as too much immigration, in the end they have to admit that if there isn't such a thing, then they have to argue, well, okay, we can have 6 billion people here in the United States. Everyone wants to come to America, for good reason. So if there
is not such a thing as too much immigration into the United States, legal or illegal, then everybody in the world might well want to come here, and 6 billion people living in these 50 States of America and depopulating the rest of the world, I do not think that is the formula we look at.

So someplace between this 283 million that we have and the 6 billion that are out there to be recruited might be the right kind of number. Maybe the number is a little bit less. Maybe the number is a little bit more. I do not think it should be part of our discussion.

So there is such a thing as too much immigration. We can establish that clearly, unless they are willing to take the position that 6 billion people would be an appropriate number for Americans. So if there is such a thing as too much immigration, then the next question is, well, how much is too much? And what are the reasons by which we would come to a conclusion?

I would submit that we need to bring people into this country who can assimilate into this society, who can contribute to this economy, and people who hopefully have an education and perhaps some capital. We need to look at industries that are there and have these debates about H1B and H2B visas so we can supply the demand that is there.

But I am hearing people whine when I say we need to end our immigration laws, as if because they are afraid they are going to lose their gardener or they are going to lose their housekeeper. I talked to an individual the other day that drove up to the illegal immigrant distribution center, where some of the communities have built a building so they can gather the day laborers there. He pulled his car up and he said, I need someone to work for the day. He had 100 people around him. Then he said, I have got $10 an hour, and the $15 an hour is all walked away. He had to get out of his car and say I have $15; now I have $20. He found one that would work for $20 an hour for a short day.

I would submit that that is not a national security issue if you can’t hire someone to pull the weeds out of your garden. If you cannot go out there or hire someone to do that, go rent a condo and sell the house to someone and hire someone to do that, go rent a condo and sell the house to someone and hire someone to pull the weeds out of your garden. And that part I know I have right. But they couldn’t communicate with each other because they didn’t speak the same language.

He set about to unify the Chinese people for the next 10,000 years, and that was a quote from him, by hiring scribes to draft the Chinese language. They did that, and that language has bonded those people together for a number of that time. That is how powerful language is as a unifying force.

I will submit that we have a debate ahead of us, and it is going to be an intense debate. Immigration is a very, very complicated and convoluted subject. There are people whose oxen are going to be gored. There are people who walk away from the rule of law, and they say, What are we going to do? We have businesses that are dependent on illegal labor so you need to legalize this labor.

I heard that last Friday in testimony in a trip out West. I heard a witness testify that they had set up their business near the border based on the premise they could bring illegal labor to do that work. Now they have what I call an attrition rate of 9 percent a week, and we should legalize that, that is their request. We should legalize because, after all, the business cannot get along without illegal labor.

If they need them in their business, it does pull on my heartstrings so much because I have great reverence for the rule of law, the order that is here in the United States of America, for this Constitution that I carry next to my heart every day, to the continuity of our history, to our responsibility to this sacred covenant that really is our Constitution, this responsibility, the legacy that is left us by our Founding Fathers, this rule of law, this greater American civilization, the one that welcomes people in a legal way and gives every single one of us an opportunity to pull them up by their bootstraps and succeed.

And often, newly arriving immigrants surpass their peers, those born here in the United States that maybe take some of this for granted. A lot of the vitality in America comes from immigration, but the idea that America is a Nation of immigrants and therefore we cannot have a rational immigration policy is an idea that is built upon a false premise.

I asked the question in an immigration hearing of a series of witnesses: Is the United States a Nation of immigrants? And the answer was yes from all witnesses. Then please submit to me, since you are here as an expert, name a nation that is not a Nation of immigrants? No one could answer that question because all nations are Nations of immigrants. All nations have benefited from the flow of human traffic.

When people come to go to work, temporary worker, guest worker programs, there is no model in the history of humanity where there has been a
successful temporary worker program. When people are brought into a country to work, they put down roots. It is human nature. They raise a family and buy houses. They should do that. If we bring people into this country, however we might do that, and whether I vote for this bill or not, we ought to ensure that they do have an opportunity to become full-fledged American citizens and not create a second-class category of citizens here in the United States. That will build resentment. People who come here and live and work here, and do so legally, should have a path to citizenship. It should be an earned citizenship. They should respect and revere our laws and our history, but a second-class level of citizenship will be a wedge between us. It will pit people here in America against each other.

And a guest worker, temporary worker program sets up a lower class of residence, quasi-legal workers, but that does not mean that there will not be competing groups of illegal workers that are underbidding the guest workers. With guest workers, you have to make sure they are not putting too much pressure on the services, such as health care and education. If you do all of that, it raises the price of labor. They are going to want more money anyway because now they are legal and they have some options.

The people who come in to underbid that will be another wave of illegal workers. As one wave goes, another wave will drive the price down even further.

So we must control our borders and insist that there is respect for our laws. We must look down range to the future and what America is going to look like in a generation or two. We must maintain our cultural continuity, respect the rule of law and make a prudent decision here, not one that is based upon the idea of we do not have any alternatives. We have many alternatives. We have 77.5 million non-working Americans. We have technology that we could develop. We could increase our birth rate, open up legal immigration for the skills that we need, and those are just some of the solutions that I can come up with. But, in fact, business is so creative, they can think of many, many more. With that, Mr. Speaker, I would express my appreciation for the privilege to address you and this United States House of Representatives.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. BURTON of Indiana (at the request of Mr. BOEHNER) for today on account of illness.

Mr. NORWOOD (at the request of Mr. BOEHNER) for today on account of personal reasons.

Mr. SALAZAR (at the request of Ms. PELOSI) for after 3:30 p.m. today and for the balance of the week on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the pending legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. REIMER, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. MILLER of California, for 5 minutes, today.

Mr. VAN HOLLEN, for 5 minutes, today.

Mr. BACA, for 5 minutes, today.

Ms. MILLENDER-McDONALD, for 5 minutes, today.

Ms. CORRINE Brown of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. CHOCOLA) to revise and extend their remarks and include extraneous material:)

Ms. PRYCE of Ohio, for 5 minutes, on March 14.

Ms. GINNY Brown-Waite of Florida, for 5 minutes, today.

Mr. FORTENBERRY, for 5 minutes, today.

Mr. CHOCOLA, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 32. An act to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks.

H.R. 1287. An act to designate the facility of the United States Postal Service located at 102 South Walters Avenue in Hodgenville, Kentucky, as the "J.M. Dietrich Northeast Annex".

H.R. 4053. An act to designate the facility of the United States Postal Service located at 130 East Marion Avenue in Punta Gorda, Florida, as the "U.S. Cleveland Post Office Building".

H.R. 4197. An act to designate the facility of the United States Postal Service located at 21780 South Park Avenue in Riverton, Utah, as the "Mont and Mark Henderson Veterans Memorial Post Office Building".

H.R. 1382. An act to designate the facility of the United States Postal Service located at 201 North 3rd Street in Smithfield, North Carolina, as the "Alva Gardner Post Office".

H.R. 306. An act to designate the facility of the United States Postal Service located at 3038 West Liberty Avenue in Pittsburgh, Pennsylvania, as the "Congressman James Grove Fulton Memorial Post Office Building".

H.R. 3368. An act to designate the facility of the United States Postal Service located at 6483 Lincoln Street in Gagetown, Michigan, as the "Gagetown Veterans Memorial Post Office".

H.R. 3439. An act to designate the facility of the United States Postal Service located at 201 North 3rd Street in Smithfield, North Carolina, as the "Alva Gardner Post Office".

H.R. 3548. An act to designate the facility of the United States Postal Service located on Franklin Avenue in Pearl River, New York, as the "Heinz Ahlmyer, Jr. Post Office Building".

H.R. 3703. An act to designate the facility of the United States Postal Service located at 5435 North Avenue in Covina, California, as the "Lillian Kinkel Kell Post Office".

H.R. 4152. An act to designate the facility of the United States Postal Service located at 320 High Street in Clinton, Massachusetts, as the "Raymond J. Salmon Post Office".

H.R. 3825. An act to designate the facility of the United States Postal Service located at 201 North 3rd Street in Smithfield, North Carolina, as the "Alva Gardner Post Office".
EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker of the House, as referred above:

6518. A letter from the Chairman and CEO, Farm Credit Administration, transmitting the Administration's final rule—Organizational and Management Structure for the Cottonseed Payment Program (RIN: 0560-AH29) received January 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6519. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 05-04, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

6520. A letter from the Comptroller, Department of Defense, transmitting a report of two violations of the Antideficiency Act by the Department of the Air Force, Case Number 04-01, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

6521. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 04-10, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

6522. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 04-06, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

6523. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 04-04, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

6524. A letter from the Assistant Secretary of the Army (Installations, Logistics, and Financial Management), Department of Defense, transmitting notification of emergency munitions disposal, pursuant to 50 U.S.C. 1518; to the Committee on Armed Services.

6525. A letter from the Director, Legislative Liaison, Department of Defense, transmitting the Department's revised interim guidelines concerning the free exercise of religion; to the Committee on Armed Services.

6526. A letter from the Deputy Secretary, Department of Defense, transmitting a report pursuant to the Director of the Department of Defense Appropriations Act, 2005 (Pub. L. 108-287); to the Committee on Armed Services.

6527. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Security Program and Appendix B—Guidance on Security for Unauthorized Access to Member Information and Member Notice—received January 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6528. A letter from the Regulatory Specialist, Office of the Comptroller of the Currency, transmitting the Office's final rule—Risk-Based Capital Guidelines; Market Risk Measure; Securities Borrowing Transactions (Docket No. 06-02) (RIN: 3580-AC90) received transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Valuation of Benefits and As-sets; received January 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6529. A letter from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Valuation of Benefits and Assets—received January 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6530. A letter from the General Counsel, Financial Federal Energy Regulatory Commission, transmitting the Commission's final rule—Enforcement of Electric Reliability Standards for the Establishment, Approval, and Oversight of the Planning and Coordinating Council (RIN: 1510-AC71); to the Committee on Energy and Commerce.

6531. A letter from the Assistant Secretary for Legislation, Department of State, transmitting a copy of the Department's Alternative Fuel Vehicle (AFV) Program Report, pursuant to 42 U.S.C. 13211—received February 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

6532. A letter from the General Counsel, Foreign Energy Regulatory Commission, transmitting the Commission's final rule—Energy Risk-Based Capital Guidelines; Market Risk Measure; Securities Borrowing Transactions (Docket No. RM06-3-000; Order No. 669) received January 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6533. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Amendments to Codes of Conduct for Unbundled Sales Service and for Persons Holding Blanket Marketing Certificate (Docket No. RM06-5-000; Order No. 673) received March 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.


6535. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Prohibition on Unfair Discrimination in the Electric Reliability Organization; and Procedures for the Establishment, Approval, and Enforcement of Electric Reliability Standards (Docket No. RM06-5-000; Order No. 670) received February 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.


6539. A letter from the Secretary, Department of the Treasury, transmitting as required by Executive Order 13315 of July 31, 2003, a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12967 on March 15, 1995, pursuant to 50 U.S.C. 1641(c); to the Committee on International Relations.

6540. A letter from the Assistant Secretary for Legislative and Intergovernmental Affairs, Department of State, transmitting the March 2006 International Narcotics Control Strategy Report, pursuant to 22 U.S.C. 2391(b)(2); to the Committee on International Relations.

6541. A letter from the U.S. Global AIDS Coordinator, Department of State, transmitting a certification related to the Global Fund to Fight AIDS, Tuberculosis, and Malaria, as request under Section 525 of the Foreign Operations, Export Financing and Related Programs Appropriations Act, 2005; to the Committee on International Relations.


Products Tax Act of 2006,” pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.


6557. A letter from the Chairman, Commission on Civil Rights, transmitting the Commission’s Performance and Accountability Report for fiscal year 2005, pursuant to the Government Management and Results Act of 1993 and the Office of Management and Budget Memorandum M-04-20; to the Committee on Government Reform.

6558. A letter from the Secretary, Department of Education, transmitting in accordance with Section 467(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Report of the Select Committee on Congress on FY 2005 Competitive Sourcing Efforts; to the Committee on Government Reform.

6559. A letter from the Chairman, Federal Election Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act for the calendar year 2005, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

6560. A letter from the Inspector General, General Services Administration, transmitting the Audit Report Register, including all financial recommendations, for the period ending September 29, 2005, pursuant to 5 U.S.C. 552b(i); to the Committee on Government Reform.

6561. A letter from the General Counsel, National Credit Union Administration, transmitting the final rule—Member Business Loans—received February 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6562. A letter from the Acting Director Equal Employment Opportunity, National Endowment for the Arts, transmitting the Endowment’s annual report for FY 2005 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Government Reform.

6563. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the fiscal year 2005, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.


6565. A letter from the Director, Office of Personnel Management, transmitting the Office’s final rule—Prevailing Rate Systems; Change in the Survey Cycle for the Harrison, Mississippi, Nonappropriated Fund Federal Employer’s Payroll Tax (RIN: 2213-AK36) received January 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6566. A letter from the Director, Office of Personnel Management, transmitting the Office’s final rule—Suspension of Enrollment in the Federal Employees Health Benefits (FEHB) Program on a Uniformed Services Health Program Volunteer (RIN: 2203-AK90) received January 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.


6568. A letter from the Chairman, Federal Election Commission, transmitting the Commission’s final rule—$5,000 Exemption for Disbursements of Levin Funds by State, District, and Local Party Committees and Organizations [Notice 2005-26] received January 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

6569. A letter from the Attorney General, Department of Justice, transmitting the Department’s 2005 Annual Report to Congress on the Transnational Housing Assistance Grant Program, pursuant to 42 U.S.C. 13975; to the Committee on the Judiciary.

6570. A letter from the Secretary, Federal Trade Commission, transmitting the Commission’s final rule—Merger Notification Reporting and Waiting Period Requirements—received January 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6571. A letter from the Secretary, Federal Trade Commission, transmitting the Commission’s final rule—Merger Notification Reporting and Waiting Period Requirements—received January 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6572. A letter from the Secretary, Federal Trade Commission, transmitting the Commission’s final rule—Revised Jurisdictional Tresholds for Section 7A of the Clayton Act—received January 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6573. A letter from the President and CEO, National Safety Council, transmitting a copy of the Council’s 2005 annual report; to the Committee on Transportation and Infrastructure.

6574. A letter from the Secretary, Department of Transportation, transmitting the Department’s final report titled, “Aviation Economic Impact of the Environmental Statement, Framework for Goals and Recommended Action” as required by Section 321 of Vision 100-Century of Aviation Reauthorization Act, Pub. L. 107-42, to the Committee on Transportation and Infrastructure.

6575. A letter from the Secretary, Department of Transportation, transmitting the Department’s report to Congress entitled, “Design-Build Effectiveness Study” submitted in accordance with Section 1307(f) of the Transportation Equity Act for the 21st Century; to the Committee on Transportation and Infrastructure.

6576. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration’s final rule—Small Business Technology Transfer Programs Policy Directive (AAD06) received January 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

6577. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration’s final rule—Small Business Size Standards, Inflation Adjustment to Size Standards; Business Loan Program; Disaster Assistance Loan Program (RIN: 3245-AF37) received January 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

6578. A letter from the U.S. Trade Representative, Executive Office of the President, transmitting the Trade Policy Agenda and 2005 Annual Report on the Trade Agreements Program, pursuant to 19 U.S.C. 2213(a); to the Committee on Ways and Means.


6580. A letter from the Chairperson, National Credit Union Administration, transmitting the Council’s report entitled, “The Social Security Administration’s Efforts to Promote Employment for People with Disabilities: New Solutions for Old Problems”; to the Committee on Ways and Means.

6581. A letter from the Chairperson, Farm Credit System Insurance Corporation, transmitting the Corporation’s final rule—Golden Parachute and Indemnification Payments (RIN: 3055-AA08) received February 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Government Reform and Agriculture.

**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 713. Resolution providing for consideration of the bill (H.R. 2829) to reauthorize the National Drug Control Policy Act (Rept. 109-387). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WOOLSEY (for herself, Ms. Lee, Mr. Grijalva, Mr. Kucinich, Mr. DeFazio, Mr. Nadler, Mr. McDermott, Mr. Owens, Mr. McGovern, Mr. Clay, Mr. Conyers, Mr. Honda, Ms. Jackson-Lee of Texas, Mr. Stark, Ms. Schakowsky, and Ms. McKinney):

H.R. 4896. A bill to reallocate funds toward sensible priorities such as improved children’s education, increased children’s access to health care, expanded job training, and increased energy efficiency and conservation through a reduction of wasteful defense spending and for other purposes; to the Committee on the Judiciary.

By Mr. FORD:

H.R. 4904. A bill to amend the Fur Product Labeling Act to require labeling of all fur products, regardless of value; to the Committee on Energy and Commerce.

By Mr. FOLEY (for himself and Mr. Cramm):

H.R. 4905. A bill to provide for the registration of sex offenders and for appropriate notification of their whereabouts, and for other purposes; to the Committee on the Judiciary.

By Mr. MCDERMOTT:

H.R. 4907. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Pikes Peak region of Colorado; to the Committee on Veterans’ Affairs.

By Mr. POE:

H.R. 4908. A bill to require the Secretary of the Interior to offer the 181 Area of the Gulf of Mexico for oil and gas leasing; to the Committee on Energy and Commerce.

By Mr. STARK:

H.R. 4909. A bill to repeal the transition and grandfather provisions relating to foreign sales corporations and extraterritorial income; to the Committee on Ways and Means.

By Mr. WHITFIELD (for himself and Mr. Engel):

H.R. 4910. A bill to prohibit the manufacture, sale, marketing, or distribution of products designed or intended to defraud a drug test; to the Committee on Energy and Commerce.

By Ms. WATERS (for herself, Mr. L. M. Miller of California, and Mr. Honda):

H.R. 4911. A bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1946, and the impact of those actions on the United States, and to recommend appropriate remedies, and for other purposes; to the Committee on the Judiciary.

By Mr. BURGESS (for himself and Mr. Gene Green of Texas):

H.R. 4902. A bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator; to the Committee on Financial Services.

By Mrs. CAPPS:

H.R. 4903. A bill to amend the Public Health Service Act to establish an Office of the National Nurse; to the Committee on Energy and Commerce.

By Mr. FERGUSON (for himself, Mr. Platts, Ms. Lee, Mr. Smith of New Jersey, Mr. Kucinich, and Mr. Simmons):

H.R. 4904. A bill to amend the Fur Product Labeling Act to require labeling of all fur products, regardless of value; to the Committee on Energy and Commerce.

By Mr. FOLEY (for himself and Mr. Cramm):

H.R. 4905. A bill to provide for the registration of sex offenders and for appropriate notification of their whereabouts, and for other purposes; to the Committee on the Judiciary.

By Mr. FORD:

H.R. 4906. A bill to improve science, technology, engineering, and mathematics education, and for other purposes; to the Committee on Science, and in addition to the Committees on Education and the Workforce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the Committee concerned.

By Mr. HEFLEY (for himself, Mr. Salazar, Mr. Udall of Colorado, Mr. Tanaka, Mr. Yarmuth, Mrs. Musgrave, Messrs. Broun and DelGette):

H.R. 4907. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Pikes Peak region of Colorado; to the Committee on Veterans’ Affairs.

By Mr. POE:

H.R. 4908. A bill to require the Secretary of the Interior to offer the 181 Area of the Gulf of Mexico for oil and gas leasing; to the Committee on Energy and Commerce.

By Mr. STARK:

H.R. 4909. A bill to repeal the transition and grandfather provisions relating to foreign sales corporations and extraterritorial income; to the Committee on Ways and Means.

By Mr. WHITFIELD (for himself and Mr. Engel):

H.R. 4910. A bill to prohibit the manufacture, sale, marketing, or distribution of products designed or intended to defraud a drug test; to the Committee on Energy and Commerce.

By Ms. WATERS (for herself, Mr. Lan- tos, Mr. Burton of Indiana, Mr. Engler, Mr. Smith of New Jersey, Mr. Payne, Mrs. Ros-Lehtinen, Mr. Jackson-Brown, Mr. Foley, and Ms. Lee):

H. Con. Res. 383. Concurrent resolution commending the people of the Republic of Haiti for holding democratic elections on February 7, 2006, and congratulating President-elect Rene Garcia Preval on his victory in these elections; to the Committee on International Relations.

By Mr. ROMER:

H.R. 4912: Mr. Mcgovern.

H.R. 4913: Mr. Bonner.

H.R. 4914: Mr. Gallegly.

H.R. 4915: Ms. Schuette.

H.R. 4916: Mr. Sander.

H.R. 4917: Mr. Wolf.

H.R. 4918: Mr. Ron Paul.

H.R. 4919: Mr. McCotter.

H.R. 4920: Mr. Napolitano.

H.R. 4921: Ms. Napolitano.

H.R. 4922: Mr. Coble.

H.R. 4923: Ms. Matsui.

H.R. 4924: Mr. Thaddeus McCotter.

H.R. 4925: Mr. Stupak.

H.R. 4926: Mr. Issa.

H.R. 4927: Ms. Eshoo.

H.R. 4928: Mr. Gutierrez.

H.R. 4929: Mr. Honda.

H.R. 4930: Mr. Issa.

H.R. 4931: Ms. Hartzler.

H.R. 4932: Mr. Maloney.

H.R. 4933: Mr. Mica.

H.R. 4934: Ms. Fields.

H.R. 4935: Mr. Boucher.

H.R. 4936: Mr. Boucher.

H.R. 4937: Mr. Boucher.

H.R. 4938: Mr. Boucher.

H.R. 4939: Mr. Boucher.

H.R. 4940: Mr. Boucher.

H.R. 4941: Mr. Boucher.

H.R. 4942: Mr. Boucher.

H.R. 4943: Mr. Boucher.

H.R. 4944: Mr. Boucher.

H.R. 4945: Mr. Boucher.

H.R. 4946: Mr. Boucher.

H.R. 4947: Mr. Boucher.

H.R. 4948: Mr. Boucher.

H.R. 4949: Mr. Boucher.

H.R. 4950: Mr. Boucher.
H.R. 3861: Ms. LINDA T. SANCHEZ of California.

H.R. 3937: Ms. MOORE of Wisconsin.

H.R. 3962: Mr. JEFFERSON, Mr. MCNULTY, and Mr. PAYNE.

H.R. 3966: Mr. INGLISH of South Carolina.

H.R. 3973: Mr. ANDREWS.

H.R. 4013: Mr. BISHOP of Utah.

H.R. 4063: Mr. BILIARIS.

H.R. 4092: Mr. LAHOOD.

H.R. 4140: Mr. HONDA, Mr. ISRAEL, Mr. MCGOVERN, Mr. OWENS, Mr. DAVIS of Alabama, Ms. DEGETTE, Mr. OLVER, and Mr. BISHOP of Georgia.

H.R. 4170: Mr. HALL.

H.R. 4179: Mrs. CAPPS and Mr. MCDEMOTT.

H.R. 4200: Mr. MELANCON.

H.R. 4272: Mrs. CAPPS.

H.R. 4304: Mr. CROWLEY.

H.R. 4341: Mr. MURPHY, Mr. MCDONALD, and Mr. EVERETT.

H.R. 4366: Mr. YOUNG of Florida.

H.R. 4372: Mrs. CAPPS.

H.R. 4424: Mr. LANTOS.

H.R. 4472: Miss MCNORMAN and Mr. CANDLER.

H.R. 4561: Mr. PAUL, Mr. POE, Mr. MCCUDDEN of Texas, Mr. DELAY, Mr. BONILLA, Mr. THOMAS, Mr. GRIMMETT, Mr. CONAWAY, Mr. Barton of Texas, Ms. JACKSON-LEE of Texas, Mr. BURKETT, and Mr. SMITH of Texas.

H.R. 4663: Mr. KUHL of New York.

H.R. 4708: Mr. MCCONNELL.

H.R. 4729: Ms. SCHAKOWSKY.

H.R. 4753: Mr. VAN HOLLAND.

H.R. 4755: Mr. BASS, Mr. BLUMENAUER, and Mr. KING.

H.R. 4774: Mr. JONES of North Carolina.

H.R. 4780: Mr. MCNULTY and Mrs. JO ANNE DAVIS of Virginia.