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No. 29

## House of Representatives

The House met at 10 a.m.

The Reverend Ricky Atkins, Pastor, Courtney Baptist Church, Yadkinville, North Carolina, offered the following prayer:

Dear God, today as this session opens, we pray that Your presence will be before us and everyone who serves in the decision-making process of our Nation. We pray for direction which will lead our Nation to be a strong and unified Nation and continue the legacies of our forefathers. May we be granted this day decisions which will be pleasing to You and decisions which will change the course of history.

We pray for all our military personnel. We lift them before You today and ask for their protection as they perform their duties. May grace abound with them as they, in harm's way, defend our country. We pray for those who are in need across our Nation, people who are without the basic needs to survive. May they receive relief by Your hand, which will be beneficial to them. Guide us this day. Amen.

### THE JOURNAL

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

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

### PLEDGE OF ALLEGIANCE

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

Mr. CARDOZA led the Pledge of Allegiance as follows:

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

### WELCOMING THE REVEREND 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 Reduc-

tion 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

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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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.

They are not through. Once again 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.

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#### 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 a shameful and sad day 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.

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#### 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 opened a Pandora's box by toppling 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, very well from everything you look at."

Meanwhile, Secretary Rumsfeld puts the blame squarely on the press: "From what I've seen thus far, 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? Yet instead of demanding answers from the administration, this Congress has turned a blind eye.

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.

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#### 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.

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 lead the message: higher taxes do not lead to more jobs.

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#### 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 are independently verified to be measurably more energy efficient than average houses. Americans who 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 our dependency on foreign sources of energy. I encourage my colleagues in the House to cosponsor this important legislation.

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#### 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.

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#### 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 afford to outsource our homeland security, 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 Idea Stream, 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 American people how vulnerable our ports remain more than 4 years after 9/11. They simply can't believe that only 6 percent of the cargo that comes into our ports is ever inspected before it is

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 year the 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 finally choose 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.

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#### 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.

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#### 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 \$319 billion in 2005, 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.

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□ 1015

#### EXERCISING FINANCIAL RESTRAINT

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

Mr. BARRETT of South Carolina. Madam Speaker, our constituents did not send us to Congress to create debt and pass it on to our children and grandchildren. Yet it is estimated by the end of the fiscal year 2006, we will have a Federal budget deficit of \$337 billion. There are many variables affecting this number, but government spending is out of control, bottom line.

In the coming weeks, we will debate the fiscal year 2007 Federal budget, and we will be faced with a choice to continue spending at the same level or make tough decisions to rein in spending. We cannot continue to fund everything, because if we do, we won't be able to support anything.

Later this morning, the Republican Study Committee will introduce an alternative budget. This budget allows us to renew our purpose of fiscal restraint, paying down or national debt and balance the budget. I look forward to working with my colleagues on the Budget Committee, Republicans and Democrats alike, because spending should not be a partisan issue.

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#### 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 have for those 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.

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#### 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.

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#### A FUNDAMENTALLY INCOMPAT- IBLE 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 builds 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 are taking the lead 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 aspiring 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. I 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 ask that you join me in praising this hugely important legislation.

#### BUSH BUDGET AND HEALTH CARE: NO SOLUTIONS, ONLY MORE 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 prescription drugs and 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 inexcusable 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 balanced Federal 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, end outdated programs, while we 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.

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-Dubai ports contract 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.

#### 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 should be a priority.

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 issues that affect women in places like Ciudad Juarez, Mexico, and in Guatemala where murders of women have gone unpunished for many years.

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.

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 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. CAPITO). Pursuant to 10 U.S.C. 6968(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 thereon:

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.

□ 1030

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.

The SPEAKER pro tempore (Mrs. CAPITO). 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. 2383, introduced by our colleague Mr. NUNES of California, honors the contributions made by Mr. C.W. "Bill" Jones to California water policy.

This bill renames the Bureau of Reclamation's pumping plant in Tracy, California, as the C.W. "Bill" Jones Pumping Plant. Mr. Jones was a legendary water leader in California for decades. He was appointed to the State water commission in 1968 by Governor Ronald Reagan, and served as director of the Firebaugh Canal Company for over 40 years, and as president of the Delta-Mendota Water Authority for over 20 years.

Throughout these years, Bill Jones was directly involved with the Central Valley Project, and I believe it is fitting that a major unit in this project be named in his honor.

After his passing in 2003, the California water community pursued this legislation with the blessing of the Jones family, to pay tribute to his longstanding work on California water issues.

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 intertie 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 read 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 (hereinafter 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 feasibility report required under subsection (d) 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 non-Federal cost share, any contribution 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 to Congress 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. SUNSET.**

The authority of the Secretary to carry out any provisions of this Act shall termi-

nate 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 gentleman from the Virgin Islands (Mrs. 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.

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 our 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-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

UPPER COLORADO AND SAN JUAN RIVER BASIN ENDANGERED FISH RECOVERY PROGRAMS REAUTHORIZATION ACT OF 2005

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

The Clerk read as follows:

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. 1602; 116 Stat. 3113) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "\$46,000,000" and inserting "\$61,000,000";

(B) in paragraph (2), by striking "2008" and inserting "2010"; and

(C) in paragraph (3), by striking "2008" and inserting "2010";

(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 "2008" and inserting "2010"; and

(C) in paragraph (2), by striking "2008" and inserting "2010"; and

(3) in subsection (c)(4)—

(A) in the first sentence, by inserting "and the Elkhead 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 gentleman from the Virgin Islands (Mrs. 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.

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 activities, these 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 last installment 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 yield myself such time as I may consume.

The Upper Colorado and San Juan endangered fish recovery programs are often cited as examples of good agency performance under the Endangered Species Act. The Department of the Interior has worked closely with State agencies, water users, and environmentalists to implement these fish recovery programs.

The programs are tightly managed and effective. S. 1578 will increase the cost ceiling for these important activities and will ensure the programs will continue without interruption. Madam Speaker, we strongly support the passage of S. 1578.

Mrs. CUBIN. 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 River Basin 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 bill, H.R. 3153, was 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 because they effectively balance 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 conservation.

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 Navajo Nation; 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 4 endangered fish 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 the programs are construction of fish hatcheries, 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 goals. In addition, the authority 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 Reauthorization Act 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. I would also like to emphasize that both the Upper Colorado River and the San Juan River are 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 their work.

This program can serve as a national model for public and private partnerships for endangered species recovery. It allows water development in accordance to 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, we 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 Senate bill, S. 1578.

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

A motion to reconsider was laid on the table.

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**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 read as follows:

H.R. 4192

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

**SECTION 1. WILLIAM JEFFERSON CLINTON BIRTHPLACE HOME NATIONAL HISTORIC SITE.**

(a) ACQUISITION OF PROPERTY; ESTABLISHMENT OF HISTORIC SITE.—Should the Secretary of the Interior acquire, by donation only from the Clinton Birthplace Foundation, Inc., fee simple, unencumbered title to the William Jefferson Clinton Birthplace Home site located at 117 South Hervey Street, Hope, Arkansas, 71801, and to any personal property related 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 provide for the preservation of historic 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 (Mrs. 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.

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

There was no objection.

Mr. GOHMERT. 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. 4192 was introduced by my colleague from Arkansas Mr. ROSS. Although former President Clinton lived in several other homes during his childhood, this home in Hope, Arkansas, is the one most closely identified with his youth and early development.

Former President Clinton’s upbringing in Hope played a prominent role in his political campaigns. He summed up his sense of the community with the well-known phrase, “I still believe in a place called Hope.”

Madam Speaker, inclusion of this site within the National Park System is consistent with numerous Presidential sites previously authorized, including that of the Ronald Reagan Boyhood Home in 2002.

Madam Speaker, I would also note that H.R. 4192 is supported by the en-

tire Arkansas congressional delegation, and also has the support of State and local officials. We support H.R. 4192 and urge the adoption of this legislation by the House today.

Madam Speaker, I reserve the balance of my time.

Mr. GOHMERT. Madam Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

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

Madam Speaker, I rise in opposition to this bill. I do not object to the bill on its merits, and when I first knew that the bill was coming up, it was not a problem.

However, upon reading various articles, I do have concerns, and my constituents have concerns. I have heard from several of them. Let me make it clear that my opposition is not partisan, it is not a Republican, it is not a Democratic issue.

Regardless of your personal view of him, Mr. Clinton served this country as President for 8 years and should have his birthplace properly designated as a place in American history. However, before this Congress moves to honor the former President, I think that he has some explaining to do.

You know, most Americans are very outraged over the Dubai Ports deal with the United States, and I am even more outraged when I hear that he may have consulted with the Crown Sheik of Dubai on this deal. So let me get this straight. Not only a U.S. citizen, but also a former President gives advice.

**POINT OF ORDER**

Mrs. CHRISTENSEN. Madam Speaker, I make a point of order.

The SPEAKER pro tempore. The gentlewoman will state her point of order.

Mrs. CHRISTENSEN. Madam Speaker, I would state that the gentlewoman from Florida should confine her comments to the subject matter of the bill before us.

The SPEAKER pro tempore. The gentlewoman is correct that debate should be confined to the pending subject. However, the Chair currently perceives a nexus between the substance of the bill and the gentlewoman’s remarks.

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, how do Republicans or Democrats explain this to our constituents? How do we possibly show that we are serious about protecting the United States from terrorist nations when we are proceeding to possibly honor the birthplace of someone who may have brokered this deal?

Madam Speaker, I cannot support this bill at this time until Mr. Clinton explains his role in the Dubai Ports deal. Reportedly Mr. Clinton has accepted nearly \$1 million from the UAE for strategic advice. He is not a registered foreign agent. He also tried to get his former press secretary signed as a spokesman for the UAE. When they did not hire him, Mr. Clinton turned

around and spoke against the port deal, and yet there was a reported million dollars here.

Madam Speaker, I think we need to take some time and review this very, very carefully.

**POINT OF ORDER.**

Mrs. CHRISTENSEN. Madam Speaker, I make a point of order.

The SPEAKER pro tempore. The gentlewoman will state her point of order.

Mrs. CHRISTENSEN. Madam Speaker, the gentlewoman has strayed again from the subject matter of the bill before us. I would ask that she confine her remarks to the subject matter of the bill before us at this time.

The SPEAKER pro tempore. The rules do require that the gentlewoman consistently maintain a nexus to the substance of the bill.

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, the nexus to the bill is whether or not this is the time to proceed with this bill.

And so that individuals have an opportunity actually to respond, I am going ask for a recorded vote. It is directly related to the bill. It is directly related to the security of our Nation.

□ 1045

Mrs. CHRISTENSEN. Madam Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS. Madam Speaker, as the sponsor of this legislation, I rise in support of H.R. 4192, a bill to designate the William Jefferson Clinton birthplace home located in my hometown of Hope, Arkansas, as a national historic site and unit of the National Park System.

First, I would like to thank Chairman POMBO, Chairman SAXTON and Ranking Member RAHALL and Ranking Member CHRISTENSEN for their support and their assistance in moving this bill from the Resources Committee in a bipartisan manner to the floor of the United States House of Representatives.

Madam Speaker, what we have just witnessed from the gentlewoman from Florida is an example of the kind of partisan bickering that the people back home are sick and tired of. This is not a Democrat or Republican issue. This is about America, and it is about our Nation’s history.

Madam Speaker, what the gentlewoman from Florida obviously does not get is the fact that this is about history. We have only had 42 Presidents in the history of this Nation; and I believe all of them, Democrat and Republican alike, if their birthplace home is still standing, it should be an historic site because it is a part of history.

I am pleased to have the entire Arkansas congressional delegation supporting this bill in a bipartisan manner including Congressman BOOZMAN from Arkansas, Congressman BERRY from Arkansas, Congressman SNYDER from Arkansas; and I am proud that this bill was passed out of the Resources Committee and placed on the suspension



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 tragically died 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 that, and I want 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.

It says: "Dear Congressman ROSS: Thank you for your efforts to honor and recognize the birthplace of our 42nd President, William Jefferson Clinton, by naming his birthplace in Hope, Arkansas a national historic site. As is customary in this country to honor our 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 would it provide future generations an educational look into our 42nd President and the times he lived in, but it will provide the region of our State, and specifically my native home of Hope, Arkansas, 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 historical 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. 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 ensure the preservation of the 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 Hervey 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 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 indi-

vidual. 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 do for all 42 former Presidents, Democrat and Republican alike.

STATE OF ARKANSAS,  
STATE CAPITOL BUILDING,  
Little Rock, AR, March 7, 2006.

Hon. MIKE ROSS,  
House of Representatives, Cannon House Office  
Building, Washington, DC.

DEAR CONGRESSMAN ROSS: 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 is customary in this country to honor our former Presidents with libraries and other accolades, I can not 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 historical 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.

Little Rock, AR, March 7, 2006.

Hon. MIKE ROSS,  
House of Representatives, Cannon House Office  
Building, Washington, DC.

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 ensure the preservation of the 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 south-west 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 Hervey Street is personal and heartfelt; but, more than that, I believe the Clinton birthplace stands for something larger than itself.

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."

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 don't mean to suggest that our hometown was perfect. We never thought it was, even then. Hope was 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.

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.

That grocery store was one of the most integrated enterprises in Hope. It was a place where every customer, black or white, was treated kindly; where credit was given freely on the basis of trust; where equality was a way of life and not just an aspiration. It was also a place that catered to lower- and lower-middle income families. Young Billy saw parents working hard to make ends meet for their children.

His exposure, early on, to human effort, and to the open hearts and minds of his grandparents, helped sharpen Bill Clinton's ability to empathize and understand real people's dreams and struggles. Much of what he has stood for, first as governor and then as president—whether his national race initiative, his emphasis on service, or his efforts to expand the middle class—reflected his belief that we need to band together, that by lifting others we also raise ourselves.

The importance of community was just one of the lessons Bill Clinton took to heart on South Hervey Street. His grandparents taught him to count and read, nurturing a commitment to education he carried throughout his life. And his mother taught him, by her own powerful example, to persevere in the face of adversity. As one friend said, Virginia Kelley was like a rubber ball: "The harder life put her down, the higher she bounced. She didn't know what the word quit meant."

I'll always remember the October afternoon in 1991, when Bill Clinton declared from the Old State House steps his candidacy for President. "Together we can make America great again," he said, "and build a community of hope that will inspire the world."

A community of hope—a community of Hope—inspired my childhood friend with the extraordinary confidence, courage, commitment and vision to lead our country. And when I look at 117 South Hervey Street, most remarkable for its simplicity, I am proud to say I hail from a place where a boy could grow up to be president; a place where loving families, devoted teachers, friendly and supportive neighbors gave children like Billy Blythe and me the wings to pursue our dreams.

I hope the U.S. House of Representatives will pass H.R. 4192. Thank you for your leadership on this issue, and your service to our state and our country.

Personally,

MACK McLARTY.

Mr. GOHMERT. Madam Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. BOOZMAN).

Mr. BOOZMAN. Madam Speaker, I thank Congressman ROSS and Chairman POMBO. Congressman ROSS for introducing the bill, and then Chairman POMBO for getting it to the floor.

I rise in strong support of this bill. The reason that I do, before I was elected to Congress I had never been to Washington, D.C, and I came up here, I can still remember the excitement of seeing all the structures and things; and then now, as my constituents come up, taking them around, showing them the different areas, the different things of history that we preserved.

Preserving Presidential birthplaces is very, very important. It is something that we need to do. We need to do a much better job, I think, in this country of preserving structures like this in general that are so important, that tell the story of America.

One of the things that I really enjoy doing is going out to schools and I visit with the kids. I was on the school board for 7 years, and I sit down and visit with them, and one of the main reasons I am there is I want them to understand that a guy like me that was on the school board, had a small business, was on the school board, grew up very much like they did, in western Arkansas, that the sky is the limit, that they can work hard and basically achieve anything they want.

Bill Clinton is truly an example of that. And certainly as they go through the structure that we are trying to preserve, I think it really shows that a young guy that grew up as much of America is growing up, maybe at some times maybe a little bit worse than much of America is growing up, but growing up in humble circumstances, having a dream, able to achieve the governorship of Arkansas, and then go on to become the most powerful man in the world. I think it is a great story. I think it is one that kids will be able to relate to and certainly show that, again, if they step forward that the sky is the limit.

As MIKE said, this has great support from the State of Arkansas, great support from our congressional delegation, and then also from our Governor, Governor Huckabee, that we would like to do what President Clinton did in the future, also from Hope, and he was very, very supportive as the letter indicates.

Again, I speak in strong support of this bill and I urge its adoption.

Mrs. CHRISTENSEN. Madam Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mrs. CAPITO). The gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) has 10 minutes remaining.

Mrs. CHRISTENSEN. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. CARDOZA).

Mr. CARDOZA. Madam Speaker, I am pleased to rise in support of H.R. 4192, to designate the birthplace of our 42nd President, William Jefferson Clinton, as a national historic site and a unit of the National Park System.

Currently, the Clinton birthplace home is owned and operated by a non-profit Clinton birthplace foundation. While they are doing an excellent job of maintaining this site for the public viewing and educational purposes, by becoming part of the National Park System the Clinton birthplace will now be able to take full advantage of the National Park Service's vast resources.

As a member of the Committee on Resources and at Mr. ROSS' request, I have been down to southwest Arkansas to see the Clinton birthplace for myself, and I can personally attest to the great pride that fellow Arkansans feel for this site.

Not only is Mr. William Jefferson Clinton a source of pride for the folks in his home State of Arkansas, but he is also a representative of the symbol of hope for millions of both Americans and those throughout the world who have seen his work. And you just need to tour the Clinton library to see the respect he received throughout the globe by the tributes housed at the library.

I believe every Presidential birthplace should be preserved and protected as part of our Nation's history regardless of political party.

I would like to also recognize that Speaker HASTERT and Chairman POMBO have brought this bill to the floor. And I want to commend them for doing so in a nonpartisan manner, not treating this issue as a political football, but one of worthy legislation that deserves our support.

I urge my colleagues to support H.R. 4192.

□ 1100

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

Mrs. CHRISTENSEN. Madam Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. SNYDER), my colleague.

Mr. SNYDER. Madam Speaker, it is starting to be a pattern here of the Arkansans lining up here in support of

this bill, both Republican and Democrat, but it is the kind of bill that in any State we would all do the same thing, Republican or Democrat, to preserve this kind of a historic place.

Obviously, we are all very much aware that during his time in office President Clinton was a controversial figure. Any President is these days, but what we are talking about is preserving the childhood home, the birthplace home, of this President.

As a person who is the child of a single-parent household, I think it is important 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 values 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 Republican Governor, Governor Huckabee, is also supportive. And also, thanks today to the people of Hope who have kept this site in a state of suspended animation and preserved it while their Federal Government catches up with them in recognizing the significance of preserving and maintaining for all time this modest home.

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

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

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, will the gentleman yield?

Mr. KELLER. I yield to the gentleman from Florida.

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

As I said before, my decision to call for a recorded vote is based on the future of our country and the fact that we need to have the information 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 because 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 preserve 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. Clinton 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 consume.

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 policies, came together and wholeheartedly supported the designation of the Ronald Reagan Boyhood Home as a national historic site.

In his Presidency, William Jefferson Clinton gave many Americans who 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 his home in Hope, Arkansas, as the Clinton Boyhood Home 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 others 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 consume.

I appreciate my colleagues across the aisle. You are right, this is not a partisan 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 inspiration to every child out there, whether leaning toward being Republican or Democrat. That President Bill Clinton, with the things that he had in his background, could reach the Nation'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 understand 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 someone else's determination.

The fact is it is a historical place. It deserves that designation, and, hopefully, 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 (Mrs. CAPITO). 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. 4192.

The question was taken.

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

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

The SPEAKER pro tempore. The yeas and nays are requested. All those in favor of taking this vote by the yeas and nays will rise and remain standing until counted. A sufficient number having arisen, the yeas and nays are ordered.

#### PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore. The gentleman 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 motion.

The SPEAKER pro tempore. The Chair's count is not subject to question, and the Chair observed a sufficient 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 proceedings on this question will be postponed.

#### CHILDREN'S SAFETY AND VIOLENT CRIME REDUCTION ACT OF 2006

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 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 “Children’s Safety and Violent Crime Reduction Act of 2006”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—SEX OFFENDER REGISTRATION AND NOTIFICATION ACT**

Sec. 101. Short title.

Sec. 102. Declaration of purpose.

**Subtitle A—Jacob Wetterling Sex Offender Registration and Notification Program**

Sec. 111. Relevant definitions, including Amie Zyla expansion of sex offender definition and expanded inclusion of child predators.

Sec. 112. Registry requirements for jurisdictions.

Sec. 113. Registry requirements for sex offenders.

Sec. 114. Information required in registration.

Sec. 115. Duration of registration requirement.

Sec. 116. In person verification.

Sec. 117. Duty to notify sex offenders of registration requirements and to register.

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 information through the Internet.

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

Sec. 123. Actions to be taken when sex offender fails to comply.

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 jurisdictions.

Sec. 128. Failure to comply.

Sec. 129. Sex Offender Management Assistance (soma) Program.

Sec. 130. Demonstration project for use of electronic monitoring devices.

Sec. 131. Bonus payments to States that implement electronic monitoring.

Sec. 132. Access to national crime information databases.

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 Prisons.

Sec. 135. GAO studies on feasibility of using driver’s license registration processes as additional registration requirements for sex offenders.

Sec. 136. Assistance in identification and location of sex offenders relocated as a result of a major disaster.

Sec. 137. Election by 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 restricting the activities of sex offenders to reduce the occurrence of repeat offenses.

**Subtitle B—Criminal Law Enforcement of Registration Requirements**

Sec. 151. Amendments to title 18, United States Code, relating to sex offender registration.

Sec. 152. Federal investigation of sex offender violations of registration requirements.

Sec. 153. Sex offender apprehension grants.

Sec. 154. Use of any controlled substance to facilitate sex offense, and prohibition on Internet sales of date rape drugs.

Sec. 155. Repeal of predecessor sex offender Program.

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

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

Sec. 158. Expansion of training and technology efforts.

Sec. 159. Revocation of probation or supervised release.

**Subtitle C—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. 202. Stopping Violent Predators Against Children.

Sec. 203. Model code on investigating missing persons and deaths.

**TITLE III—PREVENTION AND DETERRENCE OF CRIMES AGAINST CHILDREN**

Sec. 301. Assured punishment for violent crimes against children.

Sec. 302. Kenneth Wrede fair and expeditious habeas review of State criminal convictions.

Sec. 303. Rights associated with habeas corpus proceedings.

Sec. 304. Study of interstate tracking of persons convicted of or under investigation for child abuse.

**TITLE IV—PROTECTION AGAINST SEXUAL EXPLOITATION OF CHILDREN**

Sec. 401. Increased penalties for sexual offenses against children.

Sec. 402. Sense of Congress with respect to prosecutions under Section 2422(b) of title 18, United States Code.

Sec. 403. Grants for Child Sexual Abuse Prevention Programs.

**TITLE V—FOSTER CHILD PROTECTION AND CHILD SEXUAL PREDATOR DETERRENCE**

Sec. 501. Requirement to complete background checks before approval of any foster or adoptive placement and to check national crime information databases and State child abuse registries; suspension and subsequent elimination of Opt-Out.

Sec. 502. Access to Federal crime information databases for certain purposes.

Sec. 503. Penalties for coercion and enticement by sex offenders.

Sec. 504. Penalties for conduct relating to child prostitution.

Sec. 505. Penalties for sexual abuse.

Sec. 506. Sex offender submission to search as condition of release.

Sec. 507. Kidnapping jurisdiction.

Sec. 508. Marital communication and adverse spousal privilege.

Sec. 509. Abuse and neglect of Indian children.

Sec. 510. Jimmy Ryce Civil commitment program.

Sec. 511. Jimmy Ryce State civil commitment programs for sexually dangerous persons.

Sec. 512. Mandatory penalties for sex-trafficking of children.

Sec. 513. Sexual abuse of wards.

Sec. 514. No limitation for prosecution of felony sex offenses.

Sec. 515. Child abuse reporting.

**TITLE VI—CHILD PORNOGRAPHY PREVENTION**

Sec. 601. Findings.

Sec. 602. Strengthening Section 2257 to ensure that children are not exploited in the production of pornography.

Sec. 603. Additional recordkeeping requirements.

Sec. 604. Prevention of distribution of child pornography used as evidence in prosecutions.

Sec. 605. Authorizing civil and criminal asset forfeiture in child exploitation and obscenity cases.

Sec. 606. Prohibiting the production of obscenity as well as transportation, distribution, and sale.

Sec. 607. Guardians ad litem.

**TITLE VII—COURT SECURITY**

Sec. 701. Judicial branch security requirements.

Sec. 702. Additional amounts for United States Marshals Service to protect the judiciary.

Sec. 703. Protections against malicious recording of fictitious liens against Federal judges and Federal law enforcement officers.

Sec. 704. Protection of individuals performing certain official duties.

Sec. 705. Report on security of Federal prosecutors.

Sec. 706. Flight to avoid prosecution for killing peace officers.

Sec. 707. Special penalties for murder, kidnapping, and related crimes against Federal judges and Federal law enforcement officers.

Sec. 708. Authority of Federal judges and prosecutors to carry firearms.

Sec. 709. Penalties for certain assaults.

Sec. 710. David March and Henry Prendes protection 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.

Sec. 712. Modification of tampering with a witness, victim, or an informant offense.

Sec. 713. Modification of retaliation offense.

Sec. 714. Inclusion of intimidation and retaliation against witnesses in State prosecutions as basis for Federal prosecution.

Sec. 715. Clarification of venue for retaliation against a witness.

Sec. 716. Prohibition of possession of dangerous weapons in Federal court facilities.

Sec. 717. General modifications of Federal murder crime and related crimes.

Sec. 718. Witness protection grant program.

Sec. 719. Funding for State courts to assess and enhance court security and emergency preparedness.

Sec. 720. Grants to States for threat assessment databases.

Sec. 721. Grants to States to protect witnesses and victims of crimes.

- Sec. 722. Grants for young witness assistance.
- Sec. 723. State and local court eligibility.
- TITLE VIII—REDUCTION AND PREVENTION OF GANG VIOLENCE**
- 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 for forfeiture by wrongdoing.
- 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.

**TITLE IX—INCREASED FEDERAL RESOURCES 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 victims of crimes.
- Sec. 902. Reauthorize the gang resistance education and training projects program.
- Sec. 903. State and local reentry courts.

**TITLE X—CRIME PREVENTION**

- Sec. 1001. Crime prevention campaign grant.
- Sec. 1002. The Justice for Crime Victims Family Act.

**TITLE XI—NATIONAL CHILD ABUSE AND NEGLECT REGISTRY ACT**

- Sec. 1101. Short title.
- Sec. 1102. National registry of substantiated cases of child abuse.

**TITLE 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 offenders 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 attacked by a career offender in Houston, Texas.

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

(5) Dru Sjodin, 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) Alexandra Nicole Zapp, who was 30 years old, was brutally attacked and murdered in a public restroom by 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, 1995.

(13) Carlie Brucia, who was 11 years old, was abducted and murdered in Florida in February, 2004.

(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 DEFINITION AND EXPANDED INCLUSION OF CHILD PREDATORS.**

In this title the following definitions apply:

(1) **SEX OFFENDER REGISTRY.**—The term "sex offender registry" means a registry of sex offenders, and a notification 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 137, a federally recognized Indian tribe.

(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 PREDATORS.**—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 or attempt such conduct.

(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.

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

(5) **TIER I SEX OFFENDER.**—The term "tier I sex offender" means a sex offender whose offense is punishable by imprisonment for one year or less.

(6) **TIER II SEX OFFENDER.**—The term "tier II sex offender" means a sex offender who is not a Tier III sex offender whose offense—

(A) is punishable by imprisonment for more than one year; or

(B) occurs after the offender becomes a tier I sex offender.

(7) **TIER III SEX OFFENDER.**—The term "tier III sex offender" means a sex offender whose offense is punishable by imprisonment for more than one year and—

(A) 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;

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

(C) occurs after the offender becomes a tier II sex offender.

(8) **AMY ZYLA EXPANSION OF SEX OFFENSE DEFINITION.**—The term "sex offense" means—

(A) a State, local, tribal, foreign, or other criminal offense that has an element involving a sexual act or sexual contact with another or an attempt or conspiracy to commit such an offense, but does not include an offense involving consensual sexual 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;

(B) a State, local, tribal, foreign, or other specified offense against a minor;

(C) a Federal offense (including an offense prosecuted under section 1152 or 1153 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

(D) a military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (10 U.S.C. 951 note).

(9) **STUDENT.**—The term "student" means an individual who enrolls or attends an educational institution, including (whether public or private) a secondary school, trade or professional school, and institution of higher education.

(10) **EMPLOYEE.**—The term "employee" includes an individual who is self-employed or works for any other entity, whether compensated or not.

(11) **RESIDES.**—The term "resides" means, with respect to an individual, the location of the individual's home or other place where the individual lives.

(12) **MINOR.**—The term "minor" means an individual who has not attained the age of 18 years.

(13) **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. 112. 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. 113. 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, where the offender resides, where the offender is an employee, and where the offender is a student.

(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) KEEPING THE REGISTRATION CURRENT.—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 for the registration of sex offenders convicted before the enactment of this Act or its implementation in a particular jurisdiction, and for other categories of sex offenders who are unable to comply with subsection (b).

(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 no less 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 registers 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 for a period (excluding any time the sex offender is in custody or civilly committed) of—

(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 a current photograph, and verify the information in each registry in which that offender is required to be registered not less frequently than—

(1) every six 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 month, 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, 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 Alexandra Nicole Zapp Community 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, who shall include that information in the National Sex Offender Registry or other appropriate data bases.

(2) Appropriate law enforcement agencies (including probation agencies, if appropriate), and each school and public housing agency, in each area in which the individual resides, is employed, or is a student.

(3) Each jurisdiction where the sex offender resides, works, or attends school, and each jurisdiction from or to which a change of residence, work, or student status occurs.

(4) Any agency responsible for conducting employment-related background checks under section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a).

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

(6) Volunteer organizations in which contact with minors or other vulnerable individuals might occur.

(7) The community at large.

(c) EXCEPTION.—In the case of a tier I sex offender whose offense is a juvenile adjudication, the Attorney General may authorize limitation of the entities to which 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 any appropriate action to ensure compliance.

**SEC. 124. IMMUNITY FOR GOOD FAITH CONDUCT.**

The Federal Government, jurisdictions, political subdivisions of 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 software for use to establish, maintain, publish, and share 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 one-year extensions of the deadline.

**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 funds that would otherwise be 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.).

(b) **REALLOCATION.**—Amounts not allocated under a program referred to in paragraph (1) to a jurisdiction for failure to fully implement this title shall be reallocated under that program to jurisdictions that have not failed to implement this title or may be reallocated to a jurisdiction from which they were withheld to be used solely for the purpose of implementing this title.

(c) **RULE OF CONSTRUCTION.**—The provisions of this title that are cast as directions to jurisdictions or their officials constitute, in relation to States, only conditions required to avoid the reduction of Federal funding under this section.

**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 shall, on an annual basis, submit to the Attorney General an application in such form and containing such information as the Attorney General may require.

(c) **BONUS PAYMENTS FOR PROMPT COMPLIANCE.**—A jurisdiction that, as determined by the Attorney General, has substantially implemented this title not later than two years after the date of the 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. The amount of the payment shall be—

(1) 10 percent of the total received by the jurisdiction under the SOMA program for the preceding fiscal year, if that implementation is not later than one year after the date of enactment of this Act; and

(2) 5 percent of such total, if not later than two years after that date.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to any amounts otherwise authorized to be appropriated, there are authorized to be appropriated such sums as may be necessary to the Attorney General, to be available only for the SOMA program, for fiscal years 2006 through 2008.

**SEC. 130. DEMONSTRATION PROJECT FOR USE OF ELECTRONIC MONITORING DEVICES.**

(a) **PROJECT REQUIRED.**—The Attorney General shall carry out a demonstration project under which the Attorney General makes grants to jurisdictions to demonstrate the extent to which electronic monitoring de-

vices can be used effectively in a sex offender management program.

(b) **USE OF FUNDS.**—The jurisdiction may use grant amounts under this section directly, or through arrangements with public 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.

(e) **DURATION.**—The Attorney General shall carry out the demonstration project for fiscal years 2007, 2008, and 2009.

(f) **INNOVATION.**—In making grants under this section, the Attorney General shall ensure that different approaches to monitoring are funded to allow an assessment of effectiveness.

(g) **ONE-TIME REPORT AND RECOMMENDATIONS.**—Not later than April 1, 2008, the Attorney General shall submit to Congress a report—

(1) assessing the effectiveness and value of programs funded by this section;

(2) comparing the cost-effectiveness of the electronic monitoring to reduce sex offenses compared to other alternatives; and

(3) making recommendations for continuing funding and the appropriate levels for such funding.

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

**SEC. 131. BONUS PAYMENTS TO STATES THAT IMPLEMENT ELECTRONIC MONITORING.**

(a) **IN GENERAL.**—A jurisdiction that, within 3 years after the date of the enactment of this Act, has in effect laws and policies described in subsection (b) shall be eligible for a bonus payment described in subsection (c), to be paid by the Attorney General from any amounts available to the Attorney General for such purpose.

(b) **ELECTRONIC MONITORING LAWS AND POLICIES.**—

(1) **IN GENERAL.**—Laws and policies referred to in subsection (a) are laws and policies that ensure that electronic monitoring is required of a person if that person is released after being convicted of a sex offense in which an individual who has not attained the age of 18 years is the victim.

(2) **MONITORING REQUIRED.**—The monitoring required under paragraph (1) is a system that actively monitors and identifies the person’s location and timely reports or records the person’s presence near or within a crime scene or in a prohibited area or the person’s departure from specified geographic limitations.

(3) **DURATION.**—The electronic monitoring required by paragraph (1) shall be required of the person—

(A) for the life of the person, if—

(i) an individual who has not attained the age of 12 years is the victim; or

(ii) the person has a prior sex conviction (as defined in section 3559(e) of title 18, United States Code); and

(B) for the period during which the person is on probation, parole, or supervised release for the offense, in any other case.

(4) **JURISDICTION REQUIRED TO MONITOR ALL SEX OFFENDERS RESIDING IN JURISDICTION.**—In addition, laws and policies referred to in subsection (a) also include laws and policies that ensure that the jurisdiction frequently monitors each person residing in the jurisdiction for whom electronic monitoring is required, whether such monitoring is required under this section or under section 3563(a)(9) of title 18, United States Code.

(c) **BONUS PAYMENTS.**—The bonus payment referred to in subsection (a) is a payment equal to 10 percent of the funds that would otherwise be 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 only within the scope of the Center’s duties and responsibilities under Federal law to assist or support law enforcement agencies in administration of criminal justice functions; and

(2) governmental social service agencies with child protection responsibilities, to be used by such agencies 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 dissemination, shall be—

(1) defined by the Attorney General; and

(2) limited to personnel of the Center or such agencies that have met all requirements set 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, including 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, engaged in intentional misconduct or acted, or failed to act, 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 related to an ordinary business activity, 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 3621 of title 18, United States Code, is amended by adding at the end the following new subsection:

**“(f) SEX OFFENDER MANAGEMENT.—**

“(1) IN GENERAL.—The Bureau of Prisons shall make available appropriate treatment to sex offenders who are in need of and suitable for treatment, as follows:

“(A) SEX OFFENDER MANAGEMENT PROGRAMS.—The Bureau of Prisons shall establish non-residential sex offender management programs to provide appropriate treatment, monitoring, and supervision of sex offenders and to provide aftercare during pre-release custody.

“(B) RESIDENTIAL SEX OFFENDER TREATMENT PROGRAMS.—The Bureau of Prisons shall establish residential sex offender treatment programs to provide treatment to sex offenders who volunteer for such programs and are deemed by the Bureau of Prisons to be in need of and suitable for residential treatment.

“(2) REGIONS.—At least one sex offender management program under paragraph (1)(A), and at least one residential sex offender treatment program under paragraph (1)(B), shall be established in each region within the Bureau of Prisons.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Bureau of Prisons for each fiscal year such sums as may be necessary to carry out this subsection.”

**SEC. 135. GAO STUDIES ON FEASIBILITY OF USING DRIVER'S LICENSE REGISTRATION PROCESSES AS ADDITIONAL REGISTRATION REQUIREMENTS FOR SEX OFFENDERS.**

For the purposes of determining the feasibility of using driver's license registration processes as additional registration requirements for sex offenders to improve the level of compliance with sex offender registration requirements for change of address upon relocation and other related updates of personal information, the Congress requires the following studies:

(1) Not later than 180 days after the date of the enactment of this Act, the Government Accountability Office shall complete a study for the Committee on the Judiciary of the House of Representatives to survey a majority of the States to assess the relative systems capabilities to comply with a Federal law that required all State driver's license systems to automatically access State and national databases of registered sex offenders in a form similar to the requirement of the Nevada law described in paragraph (2). The Government Accountability Office shall use the information drawn from this survey, along with other expert sources, to determine what the potential costs to the States would be if such a Federal law came into effect, and what level of Federal grants would be required to prevent an unfunded mandate. In addition, the Government Accountability Office shall seek the views of Federal and State law enforcement agencies, including in particular the Federal Bureau of Investigation, with regard to the anticipated effects of such a national requirement, including potential for undesired side effects in terms of actual compliance with this Act and related laws.

(2) Not later than October 2006, the Government Accountability Office shall complete a study to evaluate the provisions of Chapter 507 of Statutes of Nevada 2005 to determine—

(A) if those provisions are effective in increasing the registration compliance rates of sex offenders;

(B) the aggregate direct and indirect costs for the state of Nevada to bring those provisions into effect; and

(C) whether those provisions should be modified to improve compliance by registered sex offenders.

**SEC. 136. ASSISTANCE IN IDENTIFICATION AND LOCATION OF SEX OFFENDERS RELOCATED AS A RESULT OF A MAJOR DISASTER.**

The Attorney General shall provide technical assistance to jurisdictions to assist them in the identification and location of a sex offender relocated as a result of a major disaster.

**SEC. 137. ELECTION BY INDIAN TRIBES.**

(a) ELECTION.—

(1) IN GENERAL.—A federally recognized Indian tribe may, by resolution or other enactment of the tribal council or comparable governmental body—

(A) elect to carry out this subtitle as a jurisdiction subject to its provisions; or

(B) elect to delegate its functions under this subtitle to another jurisdiction or jurisdictions within which the territory of the tribe is located and to provide access to its territory and such other cooperation and assistance as may be needed to enable such other jurisdiction or jurisdictions to carry out and enforce the requirements of this subtitle.

(2) IMPUTED ELECTION IN CERTAIN CASES.—A tribe shall be treated as if it had made the election described in paragraph (1)(B) if—

(A) it is a tribe subject to the law enforcement jurisdiction of a State under section 1162 of title 18, United States Code;

(B) the tribe does not make an election under paragraph (1) within 1 year of the enactment of this Act or rescinds an election under paragraph (1)(A); or

(C) the Attorney General determines that the tribe has not implemented the requirements of this subtitle and is not likely to become capable of doing so within a reasonable amount of time.

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

(1) NONDUPLICATION.—A tribe subject to this subtitle is not required to 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 with such a jurisdiction or jurisdictions—

(A) arrange for the tribe to carry out any function of such a jurisdiction under this subtitle with respect to sex offenders subject to the tribe's jurisdiction; and

(B) arrange for such a jurisdiction to carry out any function of the tribe under this subtitle with respect to sex offenders subject to the tribe's jurisdiction.

**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 jurisdictions about persons entering the United States who are required to register under this title.

**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, in—

(A) 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;

(4) the resources necessary to implement, and the legal implications of implementing, risk-based sex offender classification systems for sex offender registries; and

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

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Attorney General shall report to the Congress the results of the study under this section.

(c) STUDY CONDUCTED BY TASK FORCE.—The Attorney General may establish a task force to conduct the study and prepare the report required under this section. Any task force established under this section shall be composed of members, appointed by the Attorney General, who—

(1) represent national, State, and local interests; and

(2) are especially qualified to serve on the task force by virtue of their education, training, or experience, particularly in the fields of sex offender management, community education, risk assessment of sex offenders, and sex offender victim issues.

**SEC. 140. STUDY OF THE EFFECTIVENESS OF RESTRICTING THE ACTIVITIES OF SEX OFFENDERS TO REDUCE THE OCCURRENCE OF REPEAT OFFENSES.**

(a) STUDY.—The Attorney General shall conduct a study to evaluate the effectiveness of monitoring and restricting the activities of sex offenders to reduce the occurrence of repeat offenses by such sex offenders. The study shall evaluate—

(1) the effectiveness of methods of monitoring and restricting the activities of sex offenders, including restrictions—

(A) on the areas in which sex offenders can reside, work, and attend school;

(B) limiting access by sex offenders to the Internet or to specific Internet sites;

(C) preventing access by sex offenders to pornography and other obscene materials; and

(D) imposed as part of supervised release or probation conditions;

(2) the ability of law enforcement agencies and courts to enforce such restrictions; and

(3) the efficacy of any other restrictions that may reduce the occurrence of repeat offenses by sex offenders.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate the results of the study under this section.

**Subtitle B—Criminal Law Enforcement of Registration Requirements**

**SEC. 151. AMENDMENTS TO TITLE 18, UNITED STATES CODE, RELATING TO SEX OFFENDER REGISTRATION.**

(a) CRIMINAL PENALTIES FOR NONREGISTRATION.—Part I of title 18, United States Code, is amended by inserting after chapter 109A the following:

**“CHAPTER 109B—SEX OFFENDER AND CRIMES AGAINST CHILDREN REGISTRY**

“Sec

“2250. Failure to register

“§ 2250. Failure to register

“Whoever is required to register under the Sex Offender Registration and Notification Act and—

“(1) is a sex offender as defined for the purposes of that Act by reason of a conviction under Federal law; or

“(2) travels in interstate or foreign commerce, or enters or leaves, or resides in, Indian country;

and knowingly fails to register as required shall be fined under this title or imprisoned not more than 20 years, or both.”.

(b) CLERICAL AMENDMENT.—The table of chapters for part I 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 matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be not 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 3583 of title 18, United States Code, is amended—

(1) in subsection (d), in the sentence beginning with “The court shall order, as an explicit condition of supervised release for a person described in section 4042(c)(4)”, by striking “described in section 4042(c)(4)” and all that follows through the end of the sentence and inserting “required to register under the Sex Offender Registration and Notification Act that the person comply with the requirements of that Act.”.

(2) in subsection (k)—

(A) by striking “2244(a)(1), 2244(a)(2)” and inserting “2243, 2244, 2245, 2250”;

(B) by inserting “not less than 5,” after “any term of years”; 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 not less than 5 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 of 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 supervision of that person.”.

(g) CONFORMING AMENDMENTS TO CROSS REFERENCES.—Paragraphs (1) and (2) of section 4042(c) of title 18, United States Code, are each amended 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 repealed.

(i) MILITARY OFFENSES.—

(1) Section 115(a)(8)(C)(i) of Public Law 105–119 (111 Stat. 2466) is amended by striking “which encompass” 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 115(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”.

(j) CONFORMING AMENDMENT RELATING TO PAROLE.—Section 4209(a) of title 18, United States Code, is amended in the second sentence by striking “described” and all that follows through the end of the sentence and inserting “required to register under the Sex Offender Registration and Notification Act that the person comply with the requirements of that Act.”.

**SEC. 152. FEDERAL INVESTIGATION OF SEX OFFENDER VIOLATIONS OF REGISTRATION 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. 153. SEX OFFENDER APPREHENSION GRANTS.**

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following new part:

**“PART JJ—SEX OFFENDER APPREHENSION GRANTS**

**“SEC. 3011. AUTHORITY TO MAKE SEX OFFENDER APPREHENSION GRANTS.**

“(a) IN GENERAL.—From amounts made available to carry out this part, the Attorney General may make grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia thereof 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. 3012. 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 TO FACILITATE SEX OFFENSE, AND PROHIBITION ON INTERNET SALES OF DATE RAPE DRUGS.**

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

**“§ 2249. Use of any controlled substance to facilitate sex offense**

“(a) 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.

“(b) As used in this section, the term ‘sex offense’ means an offense under this chapter other than an offense under this section.

**“§ 2250. Internet sales of date rape drugs**

“(a) Whoever knowingly uses the Internet to distribute (as that term is defined for the purposes 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.

“(b) 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 or 1,4-butanediol.”.

(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:

“2249. Use of any controlled substance to facilitate sex offense

“2250. Internet sales of date rape drugs”.

**SEC. 155. REPEAL OF PREDECESSOR SEX OFFENDER PROGRAM.**

Sections 170101 (42 U.S.C. 14071) and 170102 (42 U.S.C. 14072) of the Violent Crime Control and Law Enforcement Act of 1994, and section 8 of the Pam Lychner Sexual Offender Tracking and Identification Act of 1996 (42 U.S.C. 14073), are repealed.

**SEC. 156. ASSISTANCE FOR PROSECUTION OF CASES CLEARED THROUGH 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 each of 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 Assistance shall make grants to law enforcement agencies for purposes of this section. The Bureau shall make such a grant—

(1) to each law enforcement agency that serves a jurisdiction with 50,000 or more residents; 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 enforcement agency to—

(1) hire additional law enforcement personnel, or train existing staff 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;

(2) investigate the use of the Internet to facilitate the sexual abuse of children; and

(3) purchase computer hardware and software necessary to investigate sexual abuse of children over the Internet, access local, State, and Federal databases needed to apprehend sex offenders, and facilitate the creation and enforcement of sex offender registries.

(c) 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 section.

**SEC. 158. EXPANSION OF TRAINING AND TECHNOLOGY 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 threat to children and the public posed by sex offenders who use the Internet and technology to solicit or otherwise exploit children;

(2) facilitate meetings, between corporations that sell computer hardware and software or provide services to the general public related to use of the Internet, to identify problems associated with the use of technology for the purpose of exploiting children;

(3) host national conferences to train Federal, State, and local law enforcement officers, probation and parole officers, and prosecutors regarding pro-active approaches to monitoring sex offender activity on the Internet;

(4) 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 coordination 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, technology modeled after the Canadian Child Exploitation Tracking System; and

(2) conduct training in the use of that technology.

(c) 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  
“(6) commits a crime of violence against, 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(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  
“(6) commits a crime of violence against, 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) administer the standards for sex offender registration and notification programs set forth in this title;

(2) administer grant programs relating to sex offender registration and notification authorized by this title and other grant programs authorized by this title as directed by the Attorney General;

(3) cooperate with and provide technical assistance to States, units of local government, tribal governments, and other public and private entities involved in activities related to sex offender registration or notification or to other measures for the protection of children or other members of the public from sexual abuse or exploitation; and

(4) perform such other functions as the Attorney General may delegate.

**TITLE II—DNA FINGERPRINTING**

**SEC. 201. TECHNICAL AMENDMENT.**

The first sentence of section 3(a)(1)(A) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a(a)(1)(A)) is amended by striking ‘‘or from’’ and all that follows through ‘‘detained’’ and inserting ‘‘, detained, or convicted’’.

**SEC. 202. STOPPING VIOLENT PREDATORS AGAINST CHILDREN.**

In carrying out Acts of Congress relating to DNA databases, the Attorney General shall give appropriate consideration to the need for the collection and testing of DNA to stop violent predators against children.

**SEC. 203. MODEL CODE ON INVESTIGATING MISSING PERSONS AND DEATHS.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that each State should, not later than 1 year after the date on which the Attorney General published the model code, enact laws implementing the model code.

(b) GAO STUDY.—Not later than 2 years after the date on which the Attorney General published the model code, the Comptroller General shall submit to Congress a report on the extent to which States have implemented the model code. The report shall, for each State—

(1) describe the extent to which the State has implemented the model code; and

(2) to the extent the State has not implemented the model code, describe the reasons why the State has not done so.

**TITLE III—PREVENTION AND DETERRENCE OF CRIMES AGAINST CHILDREN**

**SEC. 301. ASSURED PUNISHMENT FOR VIOLENT CRIMES AGAINST CHILDREN.**

(a) SPECIAL SENTENCING RULE.—Subsection (d) of section 3559 of title 18, United States Code, is amended to read as follows:

“(d) MANDATORY MINIMUM TERMS OF IMPRISONMENT FOR VIOLENT CRIMES AGAINST CHILDREN.—A person who is convicted of a felony crime of violence against the person of an individual who has not attained the age of 18 years shall, unless a greater mandatory minimum sentence of imprisonment is otherwise provided by law and regardless of any maximum term of imprisonment otherwise provided for the offense—

“(1) if the crime of violence results in the death of a person who has not attained the age of 18 years, be sentenced to death or life in prison;

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

“(3) if the crime of violence results in serious bodily injury (as defined in section 2119), be imprisoned for life or for any term of years not less than 20.”.

**SEC. 302. KENNETH WREDE FAIR AND EXPEDITIOUS HABEAS REVIEW OF STATE CRIMINAL CONVICTIONS.**

(a) SECTION 2264.—Section 2264 of title 28, United States Code, is amended by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following:

“(b) The court shall not have jurisdiction to consider an application with respect to an

error relating to the applicant’s sentence or sentencing that has been found to be harmless or not prejudicial in State court proceedings, that was not presented in State court proceedings, or that was found by a State court to be procedurally barred, unless a determination that the error is not structural is contrary to clearly established Federal law, as determined by the Supreme Court of the United States.”.

(b) SECTION 2254.—Section 2254 of title 28, United States Code, is amended by adding at the end the following:

“(j) The court, Justice, or judge entertaining the application shall not have jurisdiction to consider an application with respect to an error relating to the applicant’s sentence or sentencing that has been found to be harmless or not prejudicial in State court proceedings, that was not presented in State court proceedings, or that was found by a State court to be procedurally barred, unless a determination that the error is not structural is contrary to clearly established Federal law, as determined by the Supreme Court of the United States.”.

(c) APPLICATION.—The amendments made by this section apply to cases pending on or after the date of the enactment of this Act.

**SEC. 303. RIGHTS ASSOCIATED WITH HABEAS CORPUS PROCEEDINGS.**

Section 3771(b) of title 18, United States Code, is amended—

(1) by striking ‘‘In any court proceeding’’ and inserting the following:

“(1) IN GENERAL.—In any court proceeding’’; and

(2) by adding at the end the following:

“(2) HABEAS CORPUS PROCEEDINGS.—

“(A) IN GENERAL.—In a Federal habeas corpus proceeding arising out of a State conviction, the court shall ensure that a crime victim is afforded the rights described in paragraphs (3), (4), (7), and (8) of subsection (a).

“(B) ENFORCEMENT.—

“(i) IN GENERAL.—These rights may be enforced by the crime victim or the crime victim’s lawful representative in the manner described in paragraphs (1) and (3) of subsection (d).

“(ii) MULTIPLE VICTIMS.—In a case involving multiple victims, subsection (d)(2) shall also apply.

“(C) LIMITATION.—This paragraph relates to the duties of a court in relation to the rights of a crime victim in Federal habeas corpus proceedings arising out of a State conviction, and does not give rise to any obligation or requirement applicable to personnel of any agency of the Executive Branch of the Federal Government.

“(D) DEFINITION.—For purposes of this paragraph, the term ‘crime victim’ means the person against whom the State offense is committed or, if that person is killed or incapacitated, that person’s family member or other lawful representative.”.

**SEC. 304. STUDY OF INTERSTATE TRACKING OF PERSONS CONVICTED OF OR UNDER INVESTIGATION FOR CHILD ABUSE.**

(a) STUDY.—The Attorney General shall study the establishment of a nationwide interstate tracking system of persons convicted of, or under investigation for, child abuse. The study shall include an analysis, along with the costs and benefits, of various mechanisms for establishing an interstate tracking system, and include the extent to which existing registries could be used.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall report to the Congress the results of the study under this section.

**TITLE IV—PROTECTION AGAINST SEXUAL EXPLOITATION OF CHILDREN**

**SEC. 401. INCREASED PENALTIES FOR SEXUAL OFFENSES AGAINST CHILDREN.**

(a) SEXUAL ABUSE AND CONTACT.—

(1) AGGRAVATED SEXUAL ABUSE OF CHILDREN.—Section 2241(c) of title 18, United States Code, is amended by striking “, imprisoned for any term of years or life, or both.” and inserting “and 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 “section 2241”;

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

(iii) by striking the period at the end of paragraph (4) and inserting “; or”;

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

“(5) subsection (c) of section 2241 of this title had the sexual contact been a sexual act, shall be fined under this title and imprisoned for any term of years or for life.”; and

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

(3) SEXUAL ABUSE OF CHILDREN RESULTING IN DEATH.—Section 2245 of title 18, United States Code, is amended—

(A) by inserting “, chapter 110, chapter 117, or section 1591” after “this chapter”;

(B) by striking “A person” and inserting “(a) IN GENERAL.—A person”; and

(C) by adding at the end the following:

“(b) OFFENSES INVOLVING YOUNG CHILDREN.—A person who, in the course of an offense under this chapter, chapter 110, chapter 117, or section 1591 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 imprisoned for not less than 30 years or for life.”

(4) DEATH PENALTY AGGRAVATING FACTOR.—Section 3592(c)(1) of title 18, United States Code, is amended by inserting “section 2245 (sexual abuse resulting in death),” after “(wrecking trains).”

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

(1) SEXUAL EXPLOITATION OF CHILDREN.—Section 2251(e) of title 18, United States Code, is amended—

(A) by inserting “section 1591,” after “this chapter,” the first place it appears;

(B) by striking “the sexual exploitation of children” the first place it appears and inserting “aggravated sexual abuse, sexual abuse, abusive sexual contact involving a minor or ward, or sex trafficking of children, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography”; and

(C) by striking “any term of years or for life” and inserting “not less than 30 years or for life”.

(2) ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF CHILDREN.—Section 2252(b) of title 18, United States Code, is amended in paragraph (1)—

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

(B) by inserting “section 1591,” after “this chapter,”; and

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

(3) ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(b) of title 18, United States Code, is amended in paragraph (1)—

(A) by inserting “section 1591,” after “this chapter,”; and

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

(4) USING MISLEADING DOMAIN NAMES TO DIRECT CHILDREN TO HARMFUL MATERIAL ON THE INTERNET.—Section 2252B(b) of title 18, United States Code, is amended by striking “4” and inserting “20”.

(5) EXTRATERRITORIAL CHILD PORNOGRAPHY OFFENSES.—Section 2260(c) 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, shall be subject to the penalties provided in subsection (e) of section 2251 for a violation of that section, including the penalties provided for such a violation by a person with a prior conviction or convictions as described in that subsection.

“(2) A person who violates subsection (b), or attempts or conspires to do so, shall be subject to the penalties provided in subsection (b)(1) of section 2252 for a violation of paragraph (1), (2), or (3) of subsection (a) of that section, including the penalties provided for such a violation by a person with a prior conviction or convictions as described in subsection (b)(1) of section 2252.”

(c) MANDATORY LIFE IMPRISONMENT FOR CERTAIN REPEATED SEX OFFENSES AGAINST CHILDREN.—Section 3559(e)(2)(A) of title 18, United States Code, is amended—

(1) by striking “or 2423(a)” and inserting “2423(a)”;

(2) by inserting “, 2423(b) (relating to travel with intent to engage in illicit sexual conduct), 2423(c) (relating to illicit sexual conduct in foreign places), or 2425 (relating to use of interstate facilities to transmit information about a minor)” after “minors”.

SEC. 402. SENSE OF CONGRESS WITH RESPECT TO PROSECUTIONS UNDER SECTION 2422(b) OF TITLE 18, UNITED STATES CODE.

(a) FINDINGS.—Congress finds that—

(1) a jury convicted Jan P. Helder, Jr., of using a computer to attempt to entice an individual who had not attained the age of 18 years to engage in unlawful sexual activity;

(2) during the trial, evidence showed that Jan Helder had engaged in an online chat with an individual posing as a minor, who unbeknownst to him, was an undercover law enforcement officer;

(3) notwithstanding, Dean Whipple, District Judge for the Western District of Missouri, acquitted Jan Helder, ruling that because he did not, in fact, communicate with a minor, he did not commit a crime;

(4) the 9th Circuit Court of Appeals, in *United States v. Jeffrey Meek*, specifically addressed the question facing Judge Whipple and concurred with the 5th and 11th Circuit Courts in finding that “an actual minor victim is not required for an attempt conviction under 18 U.S.C. 2422(b).”;

(5) the Department of Justice has successfully used evidence obtained through undercover law enforcement to prosecute and convict perpetrators who attempted to solicit children on the Internet; and

(6) the Department of Justice states, “Online child pornography/child sexual exploitation is the most significant cyber crime problem confronting the FBI that involves crimes against children”.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is a crime under section 2422(b) of title 18, United States Code, to use a facility of interstate commerce to attempt to entice an individual who has not attained the age of 18 years into unlawful sexual activity, even if the perpetrator incorrectly believes that the individual has not attained the age of 18 years;

(2) well-established caselaw has established that section 2422(b) of title 18, United States Code, criminalizes any attempt to entice a minor into unlawful sexual activity, even if the perpetrator incorrectly believes that the individual has not attained the age of 18 years;

(3) the Department of Justice should appeal Judge Whipple’s decision in *United*

*States v. Helder, Jr.* and aggressively continue to track down and prosecute sex offenders on the Internet; and

(4) Judge Whipple’s decision in *United States v. Helder, Jr.* should be overturned in light of the law as it is written, the intent of Congress, and well-established caselaw.

SEC. 403. GRANTS FOR CHILD SEXUAL ABUSE PREVENTION PROGRAMS.

(a) IN GENERAL.—The Attorney General shall make grants to States, units of local government, Indian tribes, and nonprofit organizations for purposes of establishing and maintaining programs with respect to the prevention of sexual offenses committed against minors.

(b) STATE DEFINED.—For purposes of this section, 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.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$10,000,000 for each of fiscal years 2007 through 2011 to carry out this section.

TITLE V—FOSTER CHILD PROTECTION AND CHILD SEXUAL PREDATOR DETERRENCE

SEC. 501. REQUIREMENT TO COMPLETE BACKGROUND CHECKS BEFORE APPROVAL OF ANY FOSTER OR ADOPTIVE PLACEMENT AND TO CHECK NATIONAL CRIME INFORMATION DATABASES AND STATE CHILD ABUSE REGISTRIES; SUSPENSION AND SUBSEQUENT ELIMINATION OF OPT-OUT.

(a) REQUIREMENT TO COMPLETE BACKGROUND CHECKS BEFORE APPROVAL OF ANY FOSTER OR ADOPTIVE PLACEMENT AND TO CHECK NATIONAL CRIME INFORMATION DATABASES AND STATE CHILD ABUSE REGISTRIES; SUSPENSION OF OPT-OUT.—

(1) REQUIREMENT TO CHECK NATIONAL CRIME INFORMATION DATABASES AND STATE CHILD ABUSE REGISTRIES.—Section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20)) is amended—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i)—

(I) by inserting “, including fingerprint-based checks of national crime information databases (as defined in section 534(e)(3)(A) of title 28, United States Code),” after “criminal records checks”; and

(II) by striking “on whose behalf foster care maintenance payments or adoption assistance payments are to be made” and inserting “regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child”;

(ii) in each of clauses (i) and (ii), by inserting “involving a child on whose behalf such payments are to be so made” after “in any case”;

(B) by adding at the end the following:

“(C) provides that the State shall—

“(i) check any child abuse and neglect registry maintained by the State for information on any prospective foster or adoptive parent and on any other adult living in the home of such a prospective parent, and request any other State in which any such prospective parent or other adult has resided in the preceding 5 years, to enable the State to check any child abuse and neglect registry maintained by such other State for such information, before the prospective foster or adoptive parent may be finally approved for placement of a child, regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child under the State plan under this part;

“(ii) comply with any request described in clause (i) that is received from another State; and

“(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 obtained pursuant to this subparagraph from being used for a purpose other than the conducting of background checks in foster or adoptive placement cases;”.

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

(A) by inserting “, on or before September 30, 2005,” after “plan if”; and

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

(2) **ELIMINATION OF OPT-OUT.**—The amendments made by subsection (b) shall take effect on October 1, 2008, and shall apply with respect to payments under 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 any of 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 otherwise 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 fingerprint-based checks of the national crime information databases (as defined in section 534(f)(3)(A) of title 28, United States Code) submitted by—

(1) a child welfare agency for the purpose of—

(A) conducting 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 or neglect of a minor; or

(2) a private elementary or secondary school, a local educational agency, or State educational agency in that State, on individuals employed by, under consideration for employment by, or volunteering for the school or agency in a position in which the

individual would work with or around 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 other persons authorized by law to receive that information.

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

(f) **CHILD WELFARE AGENCY DEFINED.**—In this section, the term “child welfare agency” means—

(1) the State or local agency responsible for administering the plan under part B or part E of title IV of the Social Security Act; and

(2) any other public agency, or any other private agency under contract with the State or local agency responsible for administering the plan under part B or part E of title IV of the Social Security Act, that is responsible for the licensing or approval of foster or adoptive parents.

(g) **DEFINITION OF EDUCATION TERMS.**—In this section, the terms “elementary school”, “local educational agency”, “secondary school”, and “State educational agency” have the meanings given to those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(h) **TECHNICAL CORRECTION.**—Section 534 of title 28, United States Code, is amended by redesignating the second subsection (e) as subsection (f).

**SEC. 503. PENALTIES FOR COERCION AND ENTICEMENT BY SEX OFFENDERS.**

Section 2422 of title 18, United States Code, is amended—

(1) in subsection (a), by striking “or imprisoned not more than 20 years, or both” and inserting “and imprisoned not less than 5 years nor more than 20 years”; and

(2) in subsection (b), by striking “5” and inserting “10”.

**SEC. 504. PENALTIES FOR CONDUCT RELATING TO CHILD PROSTITUTION.**

Section 2423 of title 18, United States Code, is amended—

(1) in subsection (a), by striking “5 years and not more than 30 years” and inserting “30 years or for life”; and

(2) in subsection (b), by striking “or imprisoned not more than 30 years, or both” and inserting “and imprisoned for not less than 10 years and not more than 30 years”; and

(3) in subsection (c), by striking “or imprisoned not more than 30 years, or both” and inserting “and imprisoned for not less than 10 years and not more than 30 years”; and

(4) in subsection (d), by striking “imprisoned not more than 30 years, or both” and inserting “and imprisoned for not less than 10 nor more than 30 years”.

**SEC. 505. PENALTIES FOR SEXUAL ABUSE.**

(a) **AGGRAVATED SEXUAL ABUSE.**—Section 2241 of title 18, United States Code, is amended—

(1) in subsection (a), by striking “, imprisoned for any term of years or life, or both” and inserting “and imprisoned for any term of years not less than 30 or for life”; and

(2) in subsection (b), by striking “, imprisoned for any term of years or life, or both”

and inserting “and imprisoned for any term of years not less than 30 or for life”.

(b) **SEXUAL ABUSE.**—Section 2242 of title 18, United States Code, is amended by striking “, imprisoned not more than 20 years, or both” and inserting “and imprisoned not less than 10 years nor more than 30 years”.

(c) **ABUSIVE SEXUAL CONTACT.**—Section 2244(a) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking “ten years” and inserting “30 years”; and

(2) in paragraph (2), by striking “three years” and inserting “20 years”; and

(3) in paragraph (3), by striking “two years” and inserting “15 years”; and

(4) in paragraph (4), by striking “two years” and inserting “10 years”.

**SEC. 506. SEX OFFENDER SUBMISSION TO SEARCH AS CONDITION OF RELEASE.**

(a) **CONDITIONS OF PROBATION.**—Section 3563(a) of title 18, United States Code, is amended—

(1) in paragraph (9), by striking the period and inserting “; and”; and

(2) by inserting after paragraph (9) the following:

“(10) for a person who is a felon or required to register under the Sex Offender Registration and Notification Act, that the person submit his person, and any property, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects to search at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning a violation of a condition of probation or unlawful conduct by the person, and by any probation officer in the lawful discharge of the officer’s supervision functions.”.

(b) **SUPERVISED RELEASE.**—Section 3583(d) of title 18, United States Code, is amended by adding at the end the following: “The court may order, as an explicit condition of supervised release for a person who is a felon or required to register under the Sex Offender Registration and Notification Act, that the person submit his person, and any property, house, residence, vehicle, papers, computer, other electronic communications or data storage devices or media, and effects to search at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning a violation of a condition of supervised release or unlawful conduct by the person, and by any probation officer in the lawful discharge of the officer’s supervision functions.”.

**SEC. 507. KIDNAPPING JURISDICTION.**

Section 1201 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking “if the person was alive when the transportation began” and inserting “, or the offender travels in interstate or foreign commerce or uses the mail or any means, facility, or instrumentality of interstate or foreign commerce in committing or in furtherance of the commission of the offense”; and

(2) in subsection (b), by striking “to interstate” and inserting “in interstate”.

**SEC. 508. MARITAL COMMUNICATION AND ADVERSE SPOUSAL PRIVILEGE.**

(a) **IN GENERAL.**—Chapter 119 of title 28, United States Code, is amended by inserting after section 1826 the following:

**“§1826A. Marital communications and adverse spousal privilege**

“The confidential marital communication privilege and the adverse spousal privilege shall be inapplicable in any Federal proceeding in which a spouse is charged with a crime against—

“(1) a child of either spouse; or



“(2) a child under the custody or control of either spouse.”.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 119 of title 28, United States Code, is amended by inserting after the item relating to section 1826 the following:

“1826A. Marital communications and adverse spousal privilege”.

**SEC. 509. ABUSE AND NEGLECT OF INDIAN CHILDREN.**

Section 1153(a) 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”; and

(B) by inserting at the end the following: “4248. Civil commitment of a sexually dangerous person”;

(2) 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 and prior to the completion of the sentence,” after “defendant.”;

(C) in subsection (d)—  
(i) by striking “trial to proceed” each place it appears and inserting “proceedings to go forward”; and

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

(D) in subsection (e)—  
(i) by inserting “or other proceedings” after “trial”; and

(ii) by striking “chapter 207” and inserting “chapters 207 and 227”;

(3) in section 4247—  
(A) by striking “, or 4246” each place it appears and inserting “, 4246, or 4248”;

(B) in subsections (g) and (i), by striking “4243 or 4246” each place it appears and inserting “4243, 4246, or 4248”;

(C) in subsection (a)—  
(i) by amending subparagraph (1)(C) to read as follows:

“(C) drug, alcohol, and sex offender treatment programs, and other treatment programs that will assist the individual in overcoming a psychological or physical dependence or any condition that makes the individual dangerous to others; and”;

(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

(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, abnormality, or disorder as a result of which he would have serious difficulty in refraining from sexually violent conduct or child molestation if released.”;

(D) in subsection (b), by striking “4245 or 4246” and inserting “4245, 4246, or 4248”;

(E) in subsection (c)(4)—  
(i) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F) respectively; and

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

“(D) if the examination is ordered under section 4248, whether the person is a sexually dangerous person.”; and

(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

(4) by inserting at the end the following: “**§ 4248. Civil commitment of a sexually dangerous person**

“(a) **INSTITUTION OF PROCEEDINGS.**—In relation to a person who is in the custody of the Bureau of Prisons, or who has been committed to the custody of the Attorney General pursuant to section 4241(d), or against whom all criminal charges have been dismissed solely for reasons relating to the mental condition of the person, the Attorney General or any individual authorized by the Attorney General or the Director of the Bureau of Prisons may certify that the person is a sexually dangerous person, and transmit the certificate to the clerk of the court for the district in which the person is confined. 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 a hearing to determine whether the person is a sexually dangerous person. A certificate filed under this subsection shall stay the release of the person pending completion of procedures contained in this section.

“(b) **PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION AND REPORT.**—Prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247(b) and (c).

“(c) **HEARING.**—The hearing shall be conducted pursuant to the provisions of section 4247(d).

“(d) **DETERMINATION AND DISPOSITION.**—If, after the hearing, the court finds by clear and convincing evidence that the person is a sexually dangerous person, the court shall commit the person to the custody of the Attorney General. The Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried if such State will assume responsibility for his custody, care, and treatment. The Attorney General shall make all reasonable efforts to cause such a State to assume such responsibility. If, notwithstanding such efforts, neither such State will assume such responsibility, the Attorney General shall place the person for treatment in a suitable facility, until—

“(1) such a State will assume such responsibility; or

“(2) 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;

whichever is earlier.

“(e) **DISCHARGE.**—When the Director of the facility in which a person is 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 clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the person’s counsel and to the attorney for the Government. The court shall order the discharge of the person or, on motion of the attorney for the Government or on its own motion, shall

hold a hearing, conducted pursuant to the provisions of section 4247(d), to determine whether he should be released. If, after the hearing, the court finds by a preponderance of the evidence that the person’s condition is such that—

“(1) he will not be sexually dangerous to others if released unconditionally, 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 conditionally 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 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) **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 a person, against whom all charges have been dismissed for reasons not related to the mental condition of the person, is a sexually dangerous person, the Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried for the purpose of institution of State proceedings for civil commitment. If neither such State will assume such responsibility, the Attorney General shall release the person upon receipt of notice from the State that it will not assume such responsibility, but not later than 10 days after certification by the director of the facility.”.

**SEC. 511. JIMMY RYCE STATE CIVIL COMMITMENT PROGRAMS FOR SEXUALLY DANGEROUS PERSONS.**

(a) **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 locations where minors or other vulnerable persons are likely to come into contact with that person.

## (c) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, a jurisdiction must, before the expiration of the compliance period—

(A) have established a civil commitment program for sexually dangerous persons that is consistent with guidelines issued by the Attorney General; or

(B) submit a plan for the establishment of such a program.

(2) COMPLIANCE PERIOD.—The compliance period referred to in paragraph (1) expires on the date that is 2 years after the date of the enactment of this Act. However, the Attorney General may, on a case-by-case basis, extend the compliance period that applies to a jurisdiction if the Attorney General considers such an extension to be appropriate.

(d) ATTORNEY GENERAL REPORTS.—Not later than January 31 of each year, beginning with 2008, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the progress of jurisdictions in implementing this section and the rate of sexually violent offenses for each jurisdiction.

## (e) DEFINITIONS.—As used in this section:

(1) The term “civil commitment program” means a program that involves—

(A) secure civil confinement, including appropriate control, care, and treatment during such confinement; and

(B) appropriate supervision, care, and treatment for individuals released following such confinement.

(2) The term “sexually dangerous person” means an individual who is dangerous to others because of a mental illness, abnormality, or disorder that creates a risk that the individual will engage in sexually violent conduct or child molestation.

(3) The term “jurisdiction” has the meaning given such term in section 111.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2006, 2007, 2008, and 2009.

**SEC. 512. MANDATORY PENALTIES FOR SEX-TRAFFICKING OF CHILDREN.**

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

(1) in paragraph (1)—

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

(B) by inserting “not less than 10” after “any term of years”; and

(C) by striking “, or both”; 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. SEXUAL ABUSE OF WARDS.**

Chapter 109A of title 18, United States Code, is amended—

(1) in section 2243(b), by striking “five years” and inserting “15 years”; and

(2) by inserting a comma after “Attorney General” each place it appears.

**SEC. 514. NO LIMITATION FOR PROSECUTION OF FELONY SEX OFFENSES.**

Chapter 213 of title 18, United States Code, is amended—

(1) by adding at the end the following:

**“§3298. Child abduction and sex offenses**

“Notwithstanding any other law, an indictment may be found or an information instituted at any time without limitation for any offense under section 1201 involving a minor victim, and for any felony under chapter 109A, 110, or 117, or section 1591.”; and

(2) by adding at the end of the table of sections at the beginning of the chapter the following new item:

“3298. Child abduction and sex offenses”.

**SEC. 515. CHILD ABUSE REPORTING.**

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

**TITLE VI—CHILD PORNOGRAPHY PREVENTION****SEC. 601. FINDINGS.**

Congress makes the following findings:

(1) The effect of the intrastate production, transportation, distribution, receipt, advertising, and possession of child pornography on interstate market in child pornography.

(A) The illegal production, transportation, distribution, receipt, advertising and possession of child pornography, as defined in section 2256(8) of title 18, United States Code, as well as the transfer of custody of children for the production of child pornography, is harmful to the physiological, emotional, and mental health of the children depicted in child pornography and has a substantial and detrimental effect on society as a whole.

(B) A substantial interstate market in child pornography exists, including not only a multimillion dollar industry, but also a nationwide network of individuals openly advertising their desire to exploit children and to traffic in child pornography. Many of these individuals distribute child pornography with the expectation of receiving other child pornography in return.

(C) The interstate market in child pornography is carried on to a substantial extent through the mails and other instrumentalities of interstate and foreign commerce, such as the Internet. The advent of the Internet has greatly increased the ease of transporting, distributing, receiving, and advertising child pornography in interstate commerce. The advent of digital cameras and digital video cameras, as well as videotape cameras, has greatly increased the ease of producing child pornography. The advent of inexpensive computer equipment with the capacity to store large numbers of digital images of child pornography has greatly increased the ease of possessing child pornography. Taken together, these technological advances have had the unfortunate result of greatly increasing the interstate market in child pornography.

(D) Intrastate incidents of 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, have a substantial and direct effect upon interstate commerce because:

(i) Some persons engaged in the production, transportation, distribution, receipt, advertising, and possession of child pornography conduct such activities entirely within the boundaries of one state. These persons are unlikely to be content with the amount of child pornography they produce, transport, distribute, receive, advertise, or possess. These persons are therefore likely to enter the interstate market in child pornography in search of additional child pornography, thereby stimulating demand in the interstate market in child pornography.

(ii) When the persons described in subparagraph (D)(i) enter the interstate market in search of additional child pornography, they are likely to distribute the child pornography they already produce, transport, distribute, receive, advertise, or possess to persons who will distribute additional child pornography to them, thereby stimulating supply in the interstate market in child pornography.

(iii) Much of the child pornography that supplies the interstate market in child pornography is produced entirely within the boundaries of one state, is not traceable, and enters the interstate market surreptitiously.

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

(E) Prohibiting the intrastate production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the intrastate transfer of custody of children for the production of child pornography, will cause some persons engaged 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 intrastate transfer 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 repetition 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(h) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking “subparagraphs (A) through (D)” and inserting “subparagraph (A)”; and

(2) in paragraph (3), by striking “which does not involve” and all that follows through “depicted” and inserting “with respect to which the Attorney General determines the record keeping requirements of this section are not needed to carry out the purposes of this chapter”.

**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—

“(1) 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; and

“(2) is produced in whole or in part with materials which have been mailed or shipped

in interstate or foreign commerce, or is shipped or transported or is intended for shipment or transportation in interstate or foreign commerce;

shall create and maintain individually identifiable records pertaining to every performer portrayed in such a visual depiction.

“(b) Subsections (b), (c), (d), (e), (f), (h)(2), and (i) of section 2257 apply to matter and records described in subsection (a) of this section in the same manner as they apply to matter and records described in section 2257(a).

“(c) As used in this section, the term ‘produces’ means—

“(1) to film, videotape, photograph; or create a picture, digital image, or digitally- or computer-manipulated image of an actual human being, that constitutes a visual depiction of simulated sexually explicit conduct; or

“(2) to make such a depiction available to another, if the circumstances in which the depiction is made available are likely to convey the impression that the depiction is child pornography.

“(d) This section (other than to the extent subsection (b) of this section makes section 2257(d) applicable) does not apply to a person who produces matter described in subsection (a), and who—

“(1) ascertains, by examination of an identification document containing such information, the name and birth date of every performer portrayed in such a visual depiction, and maintains such information in individually identifiable records;

“(2) makes such records available to the Attorney General for inspection at all reasonable times;

“(3) provides to the Attorney General the name, title, and business address of the individual employed for the purpose of maintaining such records; and

“(4) certifies compliance with paragraphs (1), (2), and (3) to the Attorney General on an annual basis, and that the Attorney General will be promptly notified of any changes in that name, title, or business address.”.

(2) EFFECTIVE DATE OF REGULATIONS.—The regulations issued to carry out section 2257A of title 18, United States Code, shall not become effective until 90 days after the regulations are published in the Federal Register.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of chapter 110 of title 18, United States Code, is amended by inserting after the item relating to section 2257 the following new item:

“2257A. Recordkeeping requirements for simulated sexual conduct”.

#### SEC. 604. PREVENTION OF DISTRIBUTION OF CHILD PORNOGRAPHY USED AS EVIDENCE IN PROSECUTIONS.

Section 3509 of title 18, United States Code, is amended by adding at the end the following:

“(m) PROHIBITION ON REPRODUCTION OF CHILD PORNOGRAPHY.—

“(1) In any criminal proceeding, any property or material that constitutes child pornography (as defined by section 2256 of this title) must remain in the care, custody, and control of either the Government or the court.

“(2)(A) Notwithstanding Rule 16 of the Federal Rules of Criminal Procedure, a court shall deny, in any criminal proceeding, any request by the defendant to copy, photograph, duplicate, or otherwise reproduce any property or material that constitutes child pornography (as defined by section 2256 of this title), so long as the Government makes the property or material reasonably available to the defendant.

“(B) For the purposes of subparagraph (A), property or material shall be deemed to be

reasonably available to the defendant if the Government provides ample opportunity for inspection, viewing, and examination at a Government facility of the property or material by the defendant, his or her attorney, aid any individual the defendant may seek to qualify to furnish expert testimony at trial.”.

#### SEC. 605. AUTHORIZING CIVIL AND CRIMINAL ASSET FORFEITURE IN CHILD EXPLOITATION AND OBSCENITY CASES.

(a) CONFORMING FORFEITURE PROCEDURES FOR OBSCENITY OFFENSES.—Section 1467 of title 18, United States Code, is amended—

(1) in subsection (a)(3), by inserting a period after “of such offense” and striking all that follows; and

(2) by striking subsections (b) through (n) and inserting the following:

“(b) The provisions of section 413 of the Controlled Substances Act (21 U.S.C. 853) with the exception of subsection (d), shall apply to the criminal forfeiture of property pursuant to subsection (a).

“(c) Any property subject to forfeiture pursuant to subsection (a) may be forfeited to the United States in a civil case in accordance with the procedures set forth in chapter 46 of this title.”.

(b) PROPERTY SUBJECT TO CRIMINAL FORFEITURE.—Section 2253(a) of title 18, United States Code, is amended—

(1) in the matter preceding paragraph (1)—

(A) by inserting “or who is convicted of an offense under sections 2252B, 2257, or 2257A of this chapter,” after “2260 of this chapter”; and

(B) by striking “an offense under section 2421, 2422, or 2423 of chapter 117” and inserting “an offense under chapter 109A”;

(2) in paragraph (1), by inserting “2252A, 2252B, 2257, or 2257A” after “2252”; and

(3) in paragraph (3), by inserting “or any property traceable to such property” before the period.

(c) CRIMINAL FORFEITURE PROCEDURE.—Section 2253 of title 18, United States Code, is amended by striking subsections (b) through (o) and inserting the following:

“(b) Section 413 of the Controlled Substances Act (21 U.S.C. 853) with the exception of subsection (d), applies to the criminal forfeiture of property pursuant to subsection (a).”.

(d) CIVIL FORFEITURE.—Section 2254 of title 18, United States Code, is amended to read as follows:

#### “§ 2254. Civil forfeiture

“Any property subject to forfeiture pursuant to section 2253 may be forfeited to the United States in a civil case in accordance with the procedures set forth in chapter 46.”.

#### SEC. 606. PROHIBITING THE PRODUCTION OF OBSCENITY AS WELL AS TRANSPORTATION, DISTRIBUTION, AND SALE.

(a) SECTION 1465.—Section 1465 of title 18 of the United States Code is amended—

(1) by inserting “PRODUCTION AND” before “TRANSPORTATION” in the heading of the section;

(2) by inserting “produces with the intent to transport, distribute, or transmit in interstate or foreign commerce, or whoever knowingly” after “whoever knowingly” and before “transports or travels in”; and

(3) by inserting a comma after “in or affecting such commerce”.

(b) SECTION 1466.—Section 1466 of title 18 of the United States Code is amended—

(1) in subsection (a), by inserting “producing with intent to distribute or sell, or” before “selling or transferring obscene matter.”;

(2) in subsection (b), by inserting, “produces” before “sells or transfers or offers to sell or transfer obscene matter”; and

(3) in subsection (b) by inserting “producing” before “selling or transferring or offering to sell or transfer such material.”.

#### SEC. 607. GUARDIANS AD LITEM.

Section 3509(h)(1) of title 18, United States Code, is amended by inserting “, and provide reasonable compensation and payment of expenses for,” before “a guardian”.

#### TITLE VII—COURT SECURITY

#### SEC. 701. JUDICIAL BRANCH SECURITY REQUIREMENTS.

(a) ENSURING CONSULTATION WITH THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—Section 566 of title 28, United States Code, is amended by adding at the end the following:

“(i) The United States Marshals Service shall consult with the Administrative Office of the United States Courts on a continuing basis regarding the security requirements for the judicial branch and inform the Administrative Office of the measures the Marshals Service intends to take to meet those requirements.”.

(b) CONFORMING AMENDMENT.—Section 604(a) of title 28, United States Code, is amended—

(1) by redesignating existing paragraph (24) as paragraph (25);

(2) by striking “and” at the end of paragraph (23); and

(3) by inserting after paragraph (23) the following:

“(24) Consult with the United States Marshals Service on a continuing basis regarding the security requirements for the Judicial Branch; and”.

#### SEC. 702. ADDITIONAL AMOUNTS FOR UNITED STATES MARSHALS SERVICE TO PROTECT THE JUDICIARY.

In addition to any other amounts authorized to be appropriated for the United States Marshals Service, there are authorized to be appropriated for the United States Marshals Service to protect the judiciary, \$20,000,000 for each of fiscal years 2006 through 2010 for—

(1) hiring entry-level deputy marshals for providing judicial security;

(2) hiring senior-level deputy marshals for investigating threats to the judiciary and providing protective details to members of the judiciary and Assistant United States Attorneys; and

(3) for the Office of Protective Intelligence, for hiring senior-level deputy marshals, hiring program analysts, and providing secure computer systems.

#### SEC. 703. PROTECTIONS AGAINST MALICIOUS RECORDING OF FICTITIOUS LIENS AGAINST FEDERAL JUDGES AND FEDERAL LAW ENFORCEMENT OFFICERS.

(a) OFFENSE.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following:

#### “§ 1521. Retaliating against a Federal official by false claim or slander of title

“Whoever, with the intent to harass or intimidate a person designated in section 1114, files, or attempts or conspires to file, in any public record or in any private record which is generally available to the public, any false lien or encumbrance against the real or personal property of that person, on account of the performance of official duties by that person, shall be fined under this title or imprisoned for not more than 10 years, or both.”.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 73 of title 18, United States Code, is amended by adding at the end the following new item:

“1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title.”.

#### SEC. 704. PROTECTION OF INDIVIDUALS PERFORMING CERTAIN OFFICIAL DUTIES.

(a) OFFENSE.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

**“§ 117. Protection of individuals performing certain official duties**

“(a) Whoever knowingly makes restricted personal information about a covered official, or a member of the 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, personal email, or home fax number of, 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) a grand or petit juror, witness, or other officer in or of, any court of the United States, or an officer 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 115(c)(2).”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

“117. Protection of individuals performing certain official duties”.

**SEC. 705. REPORT ON 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 House of Representatives and 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 offenses. The report shall describe each of the following:

(1) The number and nature of threats and assaults against attorneys handling those prosecutions and the reporting requirements and methods.

(2) The security measures that are in place to protect the attorneys who are handling those prosecutions, including measures such as threat assessments, response procedures, availability of security systems and other devices, firearms licensing (deputations), and other measures designed to protect the attorneys and their families.

(3) The Department of Justice’s firearms deputation policies, including the number of attorneys deputized and the time between receipt of threat and completion of the deputation and training process.

(4) For each measure covered by paragraphs (1) through (3), when the report or measure was developed and who was responsible for developing and implementing the report or measure.

(5) The programs that are made available to the attorneys for personal security training, including training relating to limitations on public information disclosure, basic home security, firearms handling and safety, family safety, mail handling, counter-surveillance, and self-defense tactics.

(6) The measures that are taken to provide the attorneys with secure parking facilities,

and how priorities for such facilities are established—

(A) among Federal employees within the facility;

(B) among Department of Justice employees within the facility; and

(C) among attorneys within the facility.

(7) The frequency such attorneys are called upon to work beyond standard work hours and the security measures provided to protect attorneys at such times during travel between office and available parking facilities.

(8) With respect to attorneys who are licensed under State laws to carry firearms, the Department of Justice’s policy as to—

(A) carrying the firearm between available parking and office buildings;

(B) securing the weapon at the office buildings; and

(C) equipment and training provided to facilitate safe storage at Department of Justice facilities.

(9) The offices in the Department of Justice that are responsible for ensuring the security of the attorneys, the organization and staffing of the offices, and the manner in which the offices coordinate with offices in specific districts.

(10) The role, if any, that the United States Marshals Service or any other Department of Justice component plays in protecting, or providing security services or training for, the attorneys.

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

(a) FLIGHT.—Chapter 49 of title 18, United States Code, is amended by adding at the end the following:

**“§ 1075. Flight to avoid prosecution for killing peace officers**

“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 imprisonment 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 officers”.

**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—

(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 115) or a Federal law enforcement officer (as defined in 115) 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(a) 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 United States judge (as defined in section 115) or a Federal law enforcement officer (as defined in 115) 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 203 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 justice 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 (a); and

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

**SEC. 710. DAVID MARCH AND HENRY PRENDES PROTECTION OF FEDERALLY FUNDED 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 official duties, or on account of the performance of official duties, or kills a former federally funded public safety officer on account of the past performance of official duties, 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 the personnel of that National Guard are 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 of 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 law enforcement officer, as a firefighter, as a chaplain, 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 official 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; and

“(5) the term ‘law enforcement officer’ means an individual, with arrest powers, involved in crime and juvenile delinquency control or 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) so that subsection (a) reads as follows:

“(a)(1) Whoever—  
“(A) corruptly, or by threats of force or force, endeavors to influence, intimidate, or impede a juror or officer in a judicial proceeding in the discharge of that 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 attempts or conspires to do so, shall be punished as provided in subsection (b).

“(2) As used in this section, the term ‘juror or officer in a judicial proceeding’ means a grand or petit juror, or other officer in or of any court of the United States, or an officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate.”; and

(2) 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 OFFENSE.**

(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”;

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

“(A) in the case of a killing, the punishment provided in sections 1111 and 1112;”;

(3) in subsection (a)(3)—

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

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

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

(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)(1), by inserting “or conspires” after “attempts”;

(2) in subsection (a)(1)(B)—  
(A) by inserting a comma after “probation”; 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 (e), 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 1952 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 “extortion, bribery.”.

**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 official proceeding (whether or not pending, about to be instituted or completed) was intended to be affected or was completed, or in which the conduct constituting the alleged offense occurred.”.

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

Section 930(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 BB (42 U.S.C. 3797j 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, or Indian tribe; and

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

“(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this part, the Attorney General may give preferential consider-

ation, 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;

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

“(4) shares an international border and faces a demonstrable threat from cross border crime and violence.

“(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 courts—

(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) operational security 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;

(5) threat assessment;

(6) incident reporting;

(7) security equipment;

(8) developing resources and building partnerships; and

(9) new courthouse design.

(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;

(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. 13862) is amended—

(1) in paragraph (3), 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.**

“There are authorized to be appropriated \$20,000,000 for each of the fiscal years 2006 through 2010 to carry out this subtitle.”.

**SEC. 722. GRANTS FOR YOUNG WITNESS ASSISTANCE.**

(a) DEFINITIONS.—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.

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

(1) submit an application to the Director in such form and containing such information as the Director may reasonably require; and

(2) 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 is removed from or changes 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 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 report not later than May 1st 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 1st of each year which contains a detailed statement regarding grant awards, activities of 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.

**SEC. 723. STATE AND LOCAL COURT ELIGIBILITY.**

(a) BUREAU GRANTS.—Section 302(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, as appropriate, that whenever a State or unit of local government or Indian tribe applies for a grant from the Department of Justice, the State, unit, or tribe demonstrate that, in developing the application and distributing funds, the State, unit, or tribe—

(1) considered the needs of the judicial branch of the State, unit, or tribe, as the case may be;

(2) consulted with the chief judicial officer of the highest court of the State, unit, or tribe, as the case may be; and

(3) consulted with the chief law enforcement officer of the law enforcement agency responsible for the security needs of the judicial branch of the State, unit, or tribe, as the case may be.

(c) ARMOR VESTS.—Section 2501 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (3796ii) is amended—

(1) in subsection (a), by inserting “State and local court,” after “local,”; and

(2) in subsection (b), by inserting “State and local court” after “government,”.

(d) CHILD ABUSE PREVENTION.—Section 105 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106) is amended—

(1) in the section heading, by inserting “STATE AND LOCAL COURTS,” after “AGENCIES”;

(2) in subsection (a), by inserting “and State and local courts” after “such agencies or organizations”; and

(3) in subsection (a)(1), by inserting “and State and local courts” after “organizations”.

**TITLE VIII—REDUCTION AND PREVENTION OF GANG VIOLENCE**

**SEC. 801. REVISION AND EXTENSION OF PENALTIES RELATED TO CRIMINAL STREET GANG ACTIVITY.**

(a) IN GENERAL.—Chapter 26 of title 18, United States Code, is amended to read as follows:

**“CHAPTER 26—CRIMINAL STREET GANGS**

**“Sec.**

**“521. Criminal street gang prosecutions.**

**“§ 521. Criminal street gang prosecutions**

“(a) STREET GANG CRIME.—Whoever commits, or conspires, threatens or attempts to commit, a gang crime for the purpose of furthering the activities of a criminal street gang, or gaining entrance to or maintaining or increasing position in such a gang, shall,

in addition to being subject to a fine under this title—

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

“(2) if the gang crime is kidnapping, aggravated sexual abuse, or maiming, be imprisoned for life or any term of years not less than 30;

“(3) if the gang crime is assault resulting in serious bodily injury (as defined in section 1365), be imprisoned for life or any term of years not less than 20; and

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

“(b) FORFEITURE.—

“(1) IN GENERAL.—The court, in imposing sentence on any person convicted of a violation of this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States such person’s interest in—

“(A) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the violation; and

“(B) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as a result of the violation.

“(2) APPLICATION OF CONTROLLED SUBSTANCES ACT.—Subsections (b), (c), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), and (p) of section 413 of the Controlled Substances Act (21 U.S.C. 853) shall apply to a forfeiture under this section as though it were a forfeiture under that section.

“(c) DEFINITIONS.—The following definitions apply in this section:

“(1) CRIMINAL STREET GANG.—The term ‘criminal street gang’ means a formal or informal group or association of 3 or more individuals, who commit 2 or more gang crimes (one of which is a crime of violence), in 2 or more separate criminal episodes, in relation to the group or association, if any of the activities of the criminal street gang affects interstate or foreign commerce.

“(2) GANG CRIME.—The term ‘gang crime’ means conduct constituting any Federal or State crime, punishable by imprisonment for more than one year, in any of the following categories:

“(A) A crime of violence (other than a crime of violence against the property of another).

“(B) A crime involving obstruction of justice, tampering with or retaliating against a witness, victim, or informant, or burglary.

“(C) A crime involving the manufacturing, importing, distributing, possessing with intent to distribute, or otherwise dealing in a controlled substance or listed chemical (as those terms are defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

“(D) Any conduct punishable under section 844 (relating to explosive materials), subsection (a)(1), (d), (g)(1) (where the underlying conviction is a violent felony (as defined in section 924(e)(2)(B) of this title) or is a serious drug offense (as defined in section 924(e)(2)(A))), (g)(2), (g)(3), (g)(4), (g)(5), (g)(8), (g)(9), (i), (j), (k), (n), (o), (p), (q), (u), or (x) of section 922 (relating to unlawful acts), or subsection (b), (c), (g), (h), (k), (l), (m), or (n) of section 924 (relating to penalties), section 930 (relating to possession of firearms and dangerous weapons in Federal facilities), section 931 (relating to purchase, ownership, or possession of body armor by violent felons), sections 1028 and 1029 (relating to fraud and related activity in connection with identification documents or access devices), section 1952 (relating to interstate and foreign travel or transportation in aid of racketeering enterprises), section 1956 (relating to



the laundering of monetary instruments), section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity), or sections 2312 through 2315 (relating to interstate transportation of stolen motor vehicles or stolen property).

“(E) Any conduct punishable under section 274 (relating to bringing 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 alien for immoral purpose) of the Immigration and Nationality Act.

“(3) AGGRAVATED SEXUAL ABUSE.—The term ‘aggravated sexual abuse’ means an offense that, if committed in the special maritime and territorial jurisdiction would be an offense under section 2241(a).

“(4) STATE.—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) AMENDMENT RELATING TO PRIORITY OF FORFEITURE OVER ORDERS FOR RESTITUTION.—Section 3663(c)(4) of title 18, United States Code, is amended by striking “chapter 46 or chapter 96 of this title” and inserting “section 521, under chapter 46 or 96.”

(c) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting “, section 521 (relating to criminal street gang prosecutions)” before “, section 541”.

**SEC. 802. INCREASED PENALTIES FOR INTERSTATE AND FOREIGN TRAVEL OR TRANSPORTATION IN AID OF RACKETEERING.**

Section 1952 of title 18, United States Code, is amended—

(1) in subsection (a), by striking “perform” and all that follows through the end of the subsection and inserting “perform an act described in paragraph (1), (2), or (3), or conspires to do so, shall be punished as provided in subsection (d).”; and

(2) by adding at the end following:

“(d) The punishment for an offense under subsection (a) is—

“(1) in the case of a violation of paragraph (1) or (3), a fine under this title and imprisonment for not more than 20 years; and

“(2) in the case of a violation of paragraph (2), a fine under this title and imprisonment for any term of years or for life, but if death results the offender may be sentenced to death.”

**SEC. 803. AMENDMENTS RELATING TO VIOLENT CRIME.**

(a) CARJACKING.—Section 2119 of title 18, United States Code, is amended—

(1) by striking “, with the intent to cause death or serious bodily harm” in the matter preceding paragraph (1);

(2) by inserting “or conspires” after “attempts” in the matter preceding paragraph (1);

(3) by striking “15” and inserting “20” in paragraph (1); and

(4) by striking “or imprisoned not more than 25 years, or both” and inserting “and imprisoned for any term of years or for life” in paragraph (2).

(b) CLARIFICATION OF ILLEGAL GUN TRANSFERS TO COMMIT DRUG TRAFFICKING CRIME OR CRIMES OF VIOLENCE.—Section 924(h) of title 18, United States Code, is amended to read as follows:

“(h) Whoever, in or affecting interstate or foreign commerce, knowingly transfers a firearm, knowing or intending that the firearm will be used to commit, or possessed in furtherance of, a crime of violence or drug trafficking crime (as defined in subsection (c)(2)), shall be fined under this title and imprisoned not more than 20 years.”

(c) AMENDMENT OF SPECIAL SENTENCING PROVISION RELATING TO LIMITATIONS ON

CRIMINAL ASSOCIATION.—Section 3582(d) of title 18, United States Code, is amended—

(1) by inserting “section 521 (criminal street gang prosecutions), in” after “felony set forth in”;

(2) by striking “specified person, other than his attorney, upon” and inserting “specified person upon”; and

(3) by inserting “a criminal street gang or” before “an illegal enterprise”.

(d) CONSPIRACY PENALTY.—Section 371 of title 18, United States Code, is amended by striking “five” and inserting “20”.

**SEC. 804. INCREASED PENALTIES FOR USE OF INTERSTATE COMMERCE FACILITIES IN THE COMMISSION OF MURDER-FOR-HIRE AND OTHER FELONY CRIMES OF VIOLENCE.**

(a) IN GENERAL.—Section 1958 of title 18, United States Code, is amended—

(1) by striking the section heading and inserting the following:

**“§ 1958. Use of interstate commerce facilities in the commission of murder-for-hire and other felony crimes of violence”;**

(2) in subsection (a), by inserting “or other crime of violence, punishable by imprisonment for more than one year,” after “intent that a murder”;

(3) in subsection (a), by striking “shall be fined” the first place it appears and all that follows through the end of such subsection and inserting the following:

“shall, in addition to being subject to a fine under this title—

“(1) if the crime of violence or conspiracy 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, or a conspiracy to commit such a crime of violence, be imprisoned any term of years or for life;

“(3) if the crime of violence is an assault, or a conspiracy to assault, that results in serious bodily injury (as defined in section 1365), be imprisoned not more than 30 years; and

“(4) in any other case, be imprisoned not more than 20 years.”

(b) CLERICAL AMENDMENT.—The item relating to section 1958 in the table of sections at the beginning of chapter 95 of title 18, United States Code, is amended to read as follows:

“1958. 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.**

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

“(a) 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, anything of pecuniary 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 position in, such an enterprise, shall, unless the death penalty is otherwise imposed, in addition and consecutive to the 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 any term of years or for life;

“(3) if the crime of violence is assault resulting in serious bodily injury (as defined in section 1365), be imprisoned not more than 30 years; and

“(4) in any other case, be imprisoned not more than 20 years.”

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

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

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

“(2) 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

“SEC. 424. (a) IN GENERAL.—Whoever commits, or conspires, or attempts to commit, a crime of violence during and in relation to a drug trafficking crime, shall, unless the death penalty is otherwise imposed, in addition and consecutive to the punishment provided for the drug trafficking crime 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;

“(3) if the crime of violence is assault resulting in serious bodily injury (as defined in section 1365), be imprisoned for life or any term of years not less than 20; and

“(4) in any other case, be imprisoned for life or for 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; or

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

(c) DEFINITIONS.—As used 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 423 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.—Chapter 51 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**

“(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 mail or any facility of interstate or foreign commerce, or who conspires or attempts to do so, with intent that 2 or more intentional homicides be committed in violation of the laws of any State or the United States shall, in addition to being subject to a fine under this title—

“(1) if the offense 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 51 of title 18, United States Code, is amended by adding at the end the following:

“1123. Use of interstate commerce facilities in the commission of multiple murder.”

**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 1084 (relating to the transmission of gambling information).”

**SEC. 809. EXPANSION OF REBUTTABLE PRESUMPTION AGAINST RELEASE OF PERSONS CHARGED WITH FIREARMS OFFENSES.**

Section 3142 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)(8), or (g)(9) of section 922,” after “that 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 affect interstate or foreign commerce, 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, is 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. CLARIFICATION TO HEARSAY EXCEPTION FOR FORFEITURE BY WRONGDOING.**

Rule 804(b)(6) 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 acquiesced in wrongdoing, or who could reasonably foresee such wrongdoing would take place, if the wrongdoing was intended to, and did, procure the unavailability of the declarant as a witness.”

**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 prosecution.” at the end of the paragraph 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), (i), (j), (k), (o), (p), (q), (u), or (x) of section 922 (relating to unlawful acts), or subsection (b), (c), (g), (h), (k), (l), (m), or (n) of section 924 (relating to penalties), section 930 (relating to possession of firearms and dangerous weapons in Federal facilities), or section 931 (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 preceding sentence is not subject to judicial review in any court. In a prosecution under that sentence, the juvenile may be prosecuted and convicted as an adult for any other offense which is properly joined under the Federal Rules of Criminal Procedure, and may also be convicted as an adult of any lesser included offense.”

**SEC. 814. CRIMES OF VIOLENCE AND DRUG CRIMES COMMITTED BY ILLEGAL ALIENS.**

(a) OFFENSES.—Title 18, United States Code, is amended by inserting after chapter 51 the following new chapter:

**“CHAPTER 52—ILLEGAL ALIENS**

“Sec.

“1131. Enhanced penalties for certain crimes committed by illegal aliens.

**“§ 1131. Enhanced penalties for certain crimes committed by illegal aliens**

“Whoever, being an alien who is unlawfully present in the United States, commits, conspires or attempts to commit, a crime of violence (as defined in section 16) or a drug trafficking offense (as defined in section 924), shall be fined under this title and sentenced to not less than 5 years in prison. If the defendant was previously ordered removed under the Immigration and Nationality Act on the grounds of having committed a crime, the defendant shall be sentenced to not less than 15 years in prison. A sentence of imprisonment imposed under this section shall run consecutively to any other sentence of imprisonment imposed for any other crime.”

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 51 the following new item:

**“52. Illegal aliens ..... 1131”.**

**SEC. 815. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.**

(a) PROVISION OF INFORMATION TO THE NCIC.—Not later than 180 days after the date of enactment of this Act, the Under Secretary for Border and Transportation Security of the Department of Homeland Security shall provide the National Crime Information Center of the Department of Justice with such information as the Director may have on any and all aliens against whom a final order of removal has been issued, and any and all aliens who have signed a voluntary departure agreement. Such information shall be provided to the National Crime Information Center regardless of whether or not the alien received notice of a final order of removal and even if the alien has already been removed.

(b) INCLUSION OF INFORMATION IN THE NCIC DATABASE.—Section 534(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:

“(4) 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 violation and even if the alien has already been removed; and”.

**SEC. 816. STUDY.**

The Attorney General and the Secretary of Homeland Security shall jointly conduct a study on the connection between illegal immigration and gang membership and activity, including how many of those arrested nationwide for gang membership and 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 RESOURCES 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 VICTIMS OF CRIMES.**

(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 724 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 accurate identification of gang members and violent offenders, and to maintain databases with such information to facilitate coordination among law enforcement and prosecutors; and

“(8) to fund technology, equipment, and training for prosecutors to increase the accurate identification and successful prosecution of young violent offenders.”

(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.”

**SEC. 902. REAUTHORIZE THE GANG RESISTANCE EDUCATION AND TRAINING PROJECTS PROGRAM.**

Section 32401(b) of the Violent Crime Control Act of 1994 (42 U.S.C. 13921(b)) is amended by striking paragraphs (1) through (6) and inserting the following:

- “(1) \$20,000,000 for fiscal year 2006;
- “(2) \$20,000,000 for fiscal year 2007;
- “(3) \$20,000,000 for fiscal year 2008;
- “(4) \$20,000,000 for fiscal year 2009; and
- “(5) \$20,000,000 for fiscal year 2010.”.

**SEC. 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. 3797w et seq.) is amended by inserting at the end the following:

**“SEC. 2979. 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 procedures 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;
- “(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.

“(c) APPLICATION.—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—

- “(1) describes a long-term strategy and detailed implementation plan, including how the entity plans to pay for the program after the Federal funding ends;
- “(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
  - “(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.

“(d) MATCHING REQUIREMENT.—The Federal share of a grant received 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.

“(e) 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 needs identified in the application submitted under subsection (c); and
- “(3) such other information as the Attorney General may require.

**“(f) 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**

**SEC. 1001. CRIME PREVENTION CAMPAIGN GRANT.**

Subpart 2 of part E of title I of the Omnibus Crime Control and Safe Street Act of 1968 is amended by adding at the end the following new chapter:

**“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 outreach and media campaigns in coordination with law enforcement agencies and other local government 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) create and promote 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 hometown security initiatives;
- “(5) design and deliver technical assistance to States, local jurisdictions, 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 are 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;
- (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 SUBSTANTIATED CASES 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) COLLECTION.—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 such 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 equivalent to the registry established under this title that it maintains pursuant to a requirement or authorization under any other provision of law, the information provided to the Secretary of Health and Human Services under this title shall be coextensive with that in such register.

(2) FORM.—Information provided to the Secretary of Health and Human Services under this title—

(A) shall be in a standardized electronic form determined by the Secretary of Health and Human Services; and

(B) shall contain case-specific identifying information that is limited to the name of the perpetrator and the nature of the substantiated case of child abuse or neglect, and that complies with clauses (viii) and (ix) of section 106(b)(2)(A) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(b)(2)(A)(viii) and (ix)).

(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; or

(2) any other record relating to child abuse or neglect, regardless of whether the report of abuse or neglect was substantiated, unsubstantiated, or determined to be unfounded.

(e) ACCESSIBILITY.—Information contained in the national registry shall only be accessible to any Federal, State, Indian tribe, or local government entity, or any agent of such entities, that has a need for such information in order to carry out its responsibilities under law to protect children from child abuse and neglect.

(f) DISSEMINATION.—The Secretary of Health and Human Services shall establish standards for the dissemination of information in the national registry of substantiated cases of child abuse or neglect. Such standards shall comply with clauses (viii) and (ix) of section 106(b)(2)(A) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(b)(2)(A)(viii) and (ix)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. 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 Children'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 375-45, and H.R. 1279, the Gang Prevention and Deterrence Act, passed the House on May 11, 2005, 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 sexual assault and kidnapping 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 demanded, sexual predators continue to exploit current 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, 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 unregistered 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 in and around our courthouses against judges, prosecutors, witnesses, law enforcement and other court personnel, as well as their immediate fam-

ilies. 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, witnesses, and courthouse personnel 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 syndicates with structured 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.

□ 1115

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume, and I am happy to be here today to join the debate around this bill. I am hoping that my good friend, the chairman of the committee, will somewhere in the course of this suspension explain to us why three bills were mentioned but one that was added by the majority of the House, H.R. 3132, which deals with hate crimes and is arguably one of the most notable pieces of civil rights criminal enforcement protection considered by the Congress, was inexplicably left off. This makes the process very mysterious to me, because

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 four 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, and I hope 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 does the House 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 to anyone convicted of 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.

Without 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 markups aren't 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 all 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 FBI has 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 in-

creased 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/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. Namely, section 245 of title 18, passed in 1968, which allowed Federal prosecution 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 law limits Federal jurisdiction over hate crimes to incidents that occur during the exercise of federally protected activities, such as voting, and does not permit Federal involvement in a range of cases involving crimes motivated by bias against the victim's sexual orientation, gender or disability. This loophole is particularly significant given the fact that four states have no hate crime laws on the books, and another 21 states have extremely weak hate crimes laws.

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.

Second, 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.

By now, members of this body are 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 engaging in unlawful sexual intercourse with a minor.

According to published police reports, Mr. Lyons was aided by the use of a firearm in carrying out his crime. Unfortunately, and notwithstanding such tragedies, it appears to be the wisdom of a small minority that the bill before us is not the proper vehicle to address such matters and prevent them from reoccurring in the future.

Finally, the measure under consideration today includes a complex system of categories whereby sex offenders are classified based upon the nature of their offense. They are also routinely forced to verify the accuracy of their registry information based upon this system.

This new system of registration and registry verification has never been discussed by members of our committee. While some may certainly welcome such a system, others most likely will not. In either event, a change of this magnitude should not be undertaken without adequate thought, consideration and debate.

Setting aside these issues, I remained deeply concerned by the legislation's inclusion of at least 43 new mandatory minimum penalties and over 10 new death penalty eligible offenses. In the past, I've gone to great lengths to explain my deep opposition to mandatory minimum sentences and the death penalty, so I won't repeat many of those arguments here. Except, to say that such penalties are completely arbitrary, ineffective at reducing crime and a total waste of taxpayers' money.

Thanks to mandatory minimum sentences, almost 10 percent of all inmates in state and Federal prisons are serving life sentences, a near 83 percent increase from 1992. In two states alone, New York and California, almost 20 percent of inmates are serving life sentences.

And, what do we have to show for such statistics? The answer is simple. A prison system that currently houses more than 2.1 million Americans and costs an estimated \$40 billion a year to run and operate.

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 1½ minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. 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 protect other 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, his record was sealed. When he turned 18, he was released into the community, only to reoffend shortly after he got out.

Law enforcement was not allowed to notify the community that a convicted, 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 Zyla provision of this bill, if a sex crime 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, I thank the 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 broad support at least on 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 minimums, 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 are the subject of these are unable 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 be more likely to have 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 of the 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 death penalties 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 an innocent person had a constitutional right against execution, and he didn't give a straight answer. We need to make sure people's rights are protected and that habeas corpus provisions are eliminated from the bill.

Mr. SENSENBRENNER. 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 issues.

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 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 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.

It is high time that we crack down 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 now yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK), who 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 hate crimes section. 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



of which I support, some of which I might like to see amended, and it prohibits amendments. It is a very important and somewhat controversial piece. And there can be controversy about better ways to do it or worse ways to do it, but it is brought up in an absolutely undemocratic fashion.

So to those members of the Iraqi National Assembly who may happen to be observing this, I think there is a very important point we need to make: please don't try this at home.

We are trying to instill others in the world to be democratic. The President's inaugural address noted that we are going to bring democracy. Is this what you mean by teaching people to follow democratic procedures, Madam Speaker?

□ 1130

The other side brings up a controversial bill, and because it was amended once, make sure you can bring it back again in an unamendable form, put in other aspects, and leave virtually no time for debate. We will have debated this bill under the same rule that we debate naming of post offices. We will give this bill the same amount of time as we give post offices, or that major piece of legislation, the only vote we cast last Wednesday when this House came out overwhelmingly in favor of Sandra Day O'Connor. That is the bill that we had 40 minutes of debate on, the same as this.

This is a shameful example of the degradation of the democratic process that has befallen this House. What happens is what has happened in the past: things get put in here that cannot be individually examined, they cannot be debated. Members will feel pressured to vote for the overall package. Members, and this is the goal, put a lot of things in here that are very important and very good, many of which I have voted for in the past, many of which I want to vote for. But Members have put in a few other things that are very controversial and do not allow this House to approach looking at things individually and saying an amendment here, yes or no. And then if Members do not buy the whole package, then you go after them.

The Republican majority has decided to legislate in the same manner in which you 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. SENSENBRENNER. Madam Speaker, I yield myself 1 minute.

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 legislation on protecting children from pedophiles, protecting Americans from gangs, and protecting judges from kooks who want to try to do them and their families harm. That is why this procedure is being used today so that we can make a law.

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. According 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 purple.

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 Charlie 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 its 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. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER), a distinguished member of the committee.

Mr. NADLER. Mr. Speaker, this bill manipulates the legislative process by repackaging legislation that for the most part has already passed the House, and by taking out of 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 223-199.

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 not to 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 votes on the floor 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, than a comprehensive nationwide 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, today 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 House is not a mandate 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, and 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 perished because they were at the hands of despicable child predators.

Mr. SENSENBRENNER has crafted a bill that gets at the heart of this matter. I want to thank John Walsh, who lost his son Adam, as a tireless advocate who went and asked Senator FRIST to bring this base bill to the Senate floor, and Senator FRIST has agreed to that request, along with the other parents of the children who have lost their lives.

These brave parents have come to this city to urge Congress to not let the tragedies that have happened to their families happen to another child.

I thank Ms. GINNY BROWN-WAITE, an outstanding advocate who had a resident in her district who died at the hands of a pedophile. We can do better.

Mr. Speaker, I want to thank Mike Volkov, Bradley Schreiber and others who helped craft this important legislation, and I urge passage of this bill.

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

Mr. Speaker, what are we here for, to let the other body off the hook? Anything they do not like, we have to take out? I do not follow that reasoning at all.

Mr. Speaker, I yield 5 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I know some Members here will not remember it, but there used to be something called a conference committee, and if we sent the Senate a bill and they did not like it, they could amend it and send it back. We do not have to do the bidding of the Senate by taking the tough issue off the table for them.

Mr. CONYERS. Mr. Speaker, I yield 15 seconds to the gentleman from Virginia (Mr. SCOTT).

(Mr. SCOTT of Virginia asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. SCOTT of Virginia. 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 G. 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 Prevention of Sexual Exploitation of 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 prior attempts to amend §2257. However, serious concerns remain.

S. 2140 would significantly expand the types and categories of conduct that would trigger the requirements of §2257. 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 to 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 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. 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 lawful, legitimate, Mainstreet 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 language. While we remain committed 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

and reiterate our commitment to work with you to address this serious issue.

Sincerely,

United States Chamber of Commerce; Video Software Dealers Association; Americans for Tax Reform; American Library Association; American Conservative Union; National Association of Broadcasters; National Cable & Telecommunications Association; Motion Picture Association of America; Screen Actors Guild; Media Freedom Project; American Hotel and Lodging Association; The American Federation of Television and Radio Artists; Magazine Publishers of America; Directors Guild of America; Digital Media Association; Computer & Communications Industry Association; Association of Research Libraries; The Creative Coalition; Association of National Advertisers; Association of American Publishers; American Association of Advertising Agencies; American Advertising Federation; American Booksellers Foundation for Free Expression; Publishers Marketing Association; Freedom to Read Foundation; American Association of Law Libraries

Mr. SENSENBRENNER. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today in strong support of the bill that we have before us, the Children's Safety and Violent Crime Reduction Act.

February 23 marked the 1-year anniversary of Jessica Lunsford's death. I knew the family; I knew the grandmother. If Jessica were still with us, she would have been in the fifth grade. She would be learning about decimals and fractions and the solar system. Instead, her life was taken by a sex offender who assaulted and murdered her, and then buried her in his backyard. That is what this bill is all about; it is going after those, as someone once described, pond-scum predators.

Congress has responsibility to punish those who perpetrate the worst and most disgusting crimes against our children. My heartfelt thanks to the chairman who was gracious enough to work with all of us on these various bills to protect our children in America today.

Mr. Speaker, we cannot afford to wait one day longer for this bill to become law. On behalf of Jessica Lunsford's family, I urge every Member of this House to vote in favor of this bill. It is important that we send a loud and clear message that Congress is serious about protecting America's children from predators, those same predators who would harm our children, our grandchildren, and our neighbor's children. That is what this bill is all about. It is about protecting America's children and I urge support of the bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield to the gentleman from Nevada (Mr. PORTER) for the purpose of a unanimous consent request.

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

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. SENSENBRENNER, 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 I introduced, that will provide our school districts with 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 prospective school employees. 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 classrooms.

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 I introduced, H.R. 4732, The Sergeant Henry Prendes Memorial Act of 2006. This legislation states that whoever kills, or attempts to kill or conspires to kill, a federally funded public safety officer while that officer is engaged in official duties, shall be imprisoned for no less than 30 years, or life, or, if death results may be sentenced to death. A 'public safety officer' in this legislation means an 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 police veteran Sgt. Henry Prendes was shot and killed during a domestic violence call, becoming the first Las Vegas police officer in 17 years to be slain in the line of duty.

"I can tell you, for the men and women of the Metropolitan Police Department this is a very sad day," Sheriff Bill Young said. "It's our worst nightmare as an agency."

Prendes, 37, was ambushed as he approached the front door of a house in southwest Las Vegas. The gunman then held police at bay by firing more than 50 rounds from a semiautomatic assault rifle before officers shot and killed him, Young said.

A second officer was shot in the leg during the gunbattle.

Police identified the gunman as Amir Rashid Crump, 21, an aspiring Las Vegas rapper who went by the nickname "Trajik."

The incident began about 1:20 p.m., just as Young was about to start an awards ceremony at the Clark County Commission chambers. Young told the audience of police officers and their families that he had to leave and explained that an officer had been shot. He didn't know that Prendes was dead until he was en route to University Medical Center.

Police had responded to the home at 8336 Feather Duster Court, near Durango Drive and the Las Vegas Beltway, after several 911 calls about a man beating a woman with a stick in the front yard and breaking windows on vehicles and the house.

Prendes and several officers arrived and found the woman, who was Crump's girlfriend. Her mother and her brother were with her. Crump had gone inside the home.

Prendes "cautiously approached" the door when he was met with gunfire, Young said. An officer nearby saw Prendes "reeling out of the house, saying, 'I'm hit,'" Young said.

Prendes fell on the sidewalk, but other officers could not reach him because Crump continued firing with his gun, which was similar to an AK-47, Young said.

Crump fired about 50 rounds and kept the officers pinned behind cars, walls and whatever cover they could find, he said. He went upstairs and fired down upon the officers, he said.

Investigators found several empty ammunition clips at the scene.

"He was prepared for this," Young said. "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 swarmed the neighborhood. Several roads were closed as police locked down the scene and surrounding neighborhood.

Joe Anello, a Manhattan Beach, Calif., resident who was visiting a relative, watched the incident unfold from a backyard looking toward Feather Duster Court. He said he heard a burst of eight to 10 shots, followed by about 15 seconds of silence, then another 15 or 20 gunshots.

Another 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 said his neighbor, a member of the rap group Desert Mobb, 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 rescue attempt.

Police shot and killed Crump outside the front door.

About five or six officers fired their weapons during 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.

The last Las Vegas police officer to be shot and killed in the line of duty was 34-year-old Marc Kahre. He was shot in October 1988 while responding to a domestic violence call in east Las Vegas.

Young said domestic violence calls can be the most dangerous for a police officer, but Las Vegas police officers handle thousands a year without incident.

"Today, unfortunately, our luck ran out," Young said.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1½ 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 problem. It is nationwide.

This bill takes a huge step forward in protecting the most vulnerable among us, our children.

□ 1145

I strongly urge my colleagues to support this critical bill and send a message to all that preying on our children will not be tolerated anytime, anywhere.

Mr. CONYERS. Mr. Speaker, I now yield to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE) 2¾ 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 focusing on protecting our children. In fact, I support the National Sex Offender Registry that is in this particular legislation, the sex crimes, that provides, 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 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 dilemma as to its merits for 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 the legacy and the work 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? There is a frustration of 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 trouble in the Senate, 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 sexual predators who are living in their communities.

It is time we move this bill forward so that it might be conferred 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 two on the way. I have met with parents 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 not 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 considered 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 the Members 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.

One cannot fully 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 omnibus crime prevention bill and proceeding under suspension of the rules that the majority undermines the democratic process by doing an end run around hate crime prevention. I urge 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; Table of Contents. Sec. 102. Declaration of Purpose.

Sec. 111. This section sets forth the definitions for Title I of the Act.

Sec. 112. This section requires each jurisdiction to maintain a jurisdiction-wide sex offender registry conforming to the requirements of this title and authorizes the Attorney General to prescribe guidelines to carry out the purposes of the title.

Sec. 113. This section requires a sex offender to register, and maintain current information in each jurisdiction where the sex offender was convicted, where the sex offender resides, where the sex offender is employed and where the sex offender attends school.

Sec. 114. This section specifies, at a minimum, what information the registry must include.

Sec. 115. This section specifies the duration of the registration requirement.

Sec. 116. This section requires a sex offender to appear in person for verification of registration information.

Sec. 117. This section requires a jurisdiction official to inform the sex offender of the registration requirements.

Sec. 118. This section establishes the Jessica Lunsford Verification Program which requires State officials to verify the residence of each registered sex offender.

Sec. 119. This section requires the Attorney General to maintain a National Sex Offender Registry.

Sec. 120. This section creates the Dru Sjodin National Sex Offender Public Website.

Sec. 121. This section requires each jurisdiction to make available to the public through an Internet site certain information about a sex offender.

Sec. 122. This section requires an appropriate official to notify, within 5 days of a change in a sex offender's information certain agencies.

Sec. 123. This section requires an appropriate official from the State or other jurisdiction to notify the Attorney General and appropriate State and local law enforcement agencies to inform them of any failure by a sex offender to comply with the registry requirements.

Sec. 124. This section provides that law enforcement agencies, employees of law enforcement agencies, contractors acting at the direction of law enforcement agencies, and officials from State and other jurisdictions shall not be held criminally or civilly liable for carrying out a duty in good faith.

Sec. 125. This section requires the Attorney General to develop software and make it

available to States and jurisdictions to establish, maintain, publish and share sex offender registries.

Sec. 126. If the Attorney General determines that a jurisdiction does not have a minimally sufficient sex offender registry program, he is required to the extent practicable, to carry out the obligations of the registry program.

Sec. 127. This section requires jurisdictions to comply with the requirements of this title within 2 years of enactment.

Sec. 128. This section imposes a ten percent reduction in Byrne Grant funds to any jurisdiction that fails, as determined by the Attorney General, substantially to comply with the requirements of this Act.

Sec. 129. This section authorizes the Sex Offender Management Assistance Program to fund grants to jurisdictions to implement the sex offender registry requirements.

Sec. 130. This section authorizes the Attorney General to create a demonstration project for the electronic monitoring of registered sex offenders.

Sec. 131. This section authorizes 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 provides 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 to determine 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 Native groups or entities. In 1884 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 all non-Native residents of Alaska are subject. Alaska Natives today are subject at all locations in Alaska, including in communities that are "Native villages" for the purposes of the Alaska Native Claims Settlement Act, to the criminal statutes of the Alaska State Legislature and are prosecuted in the Alaska State courts for violations of those statutes. For that reason, like all other sex offenders who are physically present within the State of Alaska, Alaska Native sex offenders, including offenders who reside in "Native villages", are required by Alaska Statute 12.63.010 *et seq.* to register as sex offenders with the Alaska Departments of Corrections or Public Safety or with an Alaska municipal police department, as appropriate.

Sec. 138. This section authorizes the Justice Department, in consultation with the Secretary of State and the Department of Homeland Security, to establish procedures to notify relevant jurisdictions about persons entering the United States who are required to register.

Sec. 139. This section requires the Justice Department to study risk-based classification systems and report back to Congress within 18 months of enactment.

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 on this issue.

Sec. 151. This section creates a new federal crime for a Federal sex offender or offender crosses State lines.

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 cleared through use of funds provided for DNA backlog elimination.

Sec. 157. This section authorizes grants to law enforcement agencies to help combat sexual abuse of children, including additional personnel and related staff, computer hardware and software necessary to investigate such crimes, and apprehension of sex offenders who violate registry requirements.

Sec. 158. This section requires the Justice Department to expand training efforts coordination 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 an offender commits a crime of violence or an offense to facilitate sexual contact involving a person under 18 years old.

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 administer the sex offender registration and notification program; administer grant programs; and to provide technical assistance, coordination and support to other governmental and nongovernmental entities.

Sec. 201. 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. 202. This section directs the Attorney General to give appropriate consideration to the need for collection and testing of DNA to stop violent predators against children.

Sec. 203. This section directs the GAO to conduct a study two years after the publication of the model code on the extent to which States have implemented.

Sec. 301. This section modifies the existing statute and adopts new penalties for felony crimes of violence crimes committed against children.

Sec. 302. This section restricts federal habeas review of collateral sentencing claims relating to a state conviction.

Sec. 303. This section establishes victim rights requirements for habeas corpus proceedings.

Sec. 304. This section requires the Attorney General to study the implementation for a nationwide tracking system for persons charged or investigated for child abuse.

Sec. 401. 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 reversal of criminal conviction 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 years 2007 to 2011.

Sec. 501. This section amends the Social Security Act to require each State to complete background checks and abuse registries relating to any foster parent or adoptive parent application, before approval of such an application, and provides access to agencies responsible for 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 prostitution ranging 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 supervised release to include submission by the 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 them inapplicable in a criminal child abuse case in which the abuser or his or her spouse invokes a privilege to avoid testifying.

Sec. 509. This section amends 18 U.S.C. §1153, the "Major Crimes Act" for Indian country cases to add felony child abuse or neglect to the predicate offenses.

Sec. 510. This section authorizes civil commitment of certain sex offenders who are dangerous to others because of serious mental illness, abnormality or disorder.

Sec. 511. This section authorizes grants to States to operate effective civil commitment programs for sexually dangerous programs.

Sec. 512. This section amends United States Code, to impose a mandatory-minimum penalties when the offense involved trafficking of a child.

Sec. 513. This section amends United States Code to increase maximum penalties for sexual abuse of wards.

Sec. 514. This section authorizes the indictment of a defendant at any time for a criminal offense for child abduction and sex offenses.

Sec. 515. This section makes the failure to report child abuse a Class A misdemeanor rather than a Class B misdemeanor.

Sec. 601. Findings.

Sec. 602. This section improves the existing record-keeping regulatory scheme by adding to the types of depictions covered to include

lascivious exhibition of the genitals or pubic area of any person, and clarifying the definitions applicable to the inspection regime so that those entities that produce such materials comply with the record-keeping requirements.

Sec. 603. This section adopts new record-keeping obligations on persons who produce materials depicting simulated sexual conduct.

Sec. 604. This section specifies that depictions of child pornography discovered by law enforcement must be maintained within the government's or a court's control at all times.

Sec. 605. This section amends the obscenity forfeiture provisions to make the procedures for obscenity forfeitures the same as they are for most other crimes.

Sec. 606. This section criminalizes the production of obscenity as well as its transportation, distribution, and sale, so long as the producer has the intent to transport, distribute, or sell the material in interstate or foreign commerce.

Sec. 607. This section authorizes compensation of court-appointed guardians ad litem.

Sec. 701. This section requires that the Director of the United States Marshals Service consult and coordinate with the Administrative Office of the United States Courts regarding the security requirements for the judicial branch.

Sec. 702. This section authorizes \$20,000,000 for each of fiscal years 2006 through 2010 for hiring additional necessary personnel.

Sec. 703. This section would create a new Federal criminal offense for the filing of fictitious liens against real or personal property owned by Federal judges or attorneys.

Sec. 704. This section makes it a Federal crime to knowingly make available otherwise restricted personal information to be used to intimidate or facilitate the commission of a crime of violence against covered officials or family members of covered officials.

Sec. 705. This section requires the Attorney General to report to the House and Senate Judiciary Committees on the security of Assistant United States Attorneys.

Sec. 706. This section makes it a crime punishable by fine and imprisonment of ten years to flee prosecution for the murder, or attempted murder, of a peace officer.

Sec. 707. This section raises sentences for those convicted of murder, or attempted murder, and kidnapping or attempted kidnapping.

Sec. 708. This section authorizes Federal judges and prosecutors to carry firearms, subject to regulations implemented by the Justice Department regarding training and use.

Sec. 709. This section modifies the existing penalties for assaults against a federal law enforcement officer.

Sec. 710. This section creates a new criminal offense for the killing of, attempting to kill or conspiring to kill, any public safety officer for a public agency that receives Federal funding.

Sec. 711. This section raises maximum criminal penalties for violating 18 U.S.C. §1503 relating to influencing or injuring jurors or officers of judicial proceedings by killing, attempting to kill, use force or threatening to kill or harm an officer or juror.

Sec. 712. This section modifies 18 U.S.C. §1512 to increase penalties for killing or attempting to kill a witness, victim, or informant to obstruct justice.

Sec. 713. This section modifies 18 U.S.C. §1513 for killing or attempting to kill a witness, victim, or an informant in retaliation for their testifying or providing information to law enforcement by increasing penalties

for causing bodily injury or damaging the person's property or business or livelihood, or threatening to do so.

Sec. 714. This section amends 18 U.S.C. §1952 relating to interstate and foreign travel in aid of racketeering enterprise by expanding the prohibition against "unlawful activity" to include "intimidation of, or retaliation against, a witness, victim, juror, or informant."

Sec. 715. This section amends section 1513 of title 18 to clarify proper venue for prosecutions to include the district in which the official proceeding or conduct occurred.

Sec. 716. This section amends 18 U.S.C. Sec. 930(e)(1) to prohibit the possession of "a dangerous weapon" in a Federal court facility.

Sec. 717. This section modifies the Federal murder and manslaughter statutes to include new mandatory minimums.

Sec. 718. This section creates a new grant program for 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.

Sec. 719. This section authorizes grants to State courts to conduct threat assessments and implement recommended security changes.

Sec. 720. This section authorizes a new grant program to provide States with funds to develop threat assessment databases.

Sec. 721. This section amends 42 U.S.C. §13862 to authorize grants to create and expand witness protection programs to assist witnesses and victims of crime.

Sec. 722. This section authorizes grants for State and local prosecutors and law enforcement agencies to provide witnesses assistance programs for young witnesses.

Sec. 723. This section modifies the eligibility requirements for discretionary grants to allow State court eligibility.

Sec. 801. This section revises existing section 521 of title 18, U.S.C., to prohibit gang crimes that are committed in order to further the activities of a criminal street gang.

Sec. 802. This section expands existing section 1952 of title 18, U.S.C., to increase penalties and simplifies the elements of the offense.

Sec. 803. This section amends criminal statutes relating to definition and penalties for carjacking, illegal gun transfers to drug traffickers or violent criminals, special sentencing provisions, and conspiracy to defraud the United States.

Sec. 804. This section amends existing section 1958 of title 18, U.S.C., to increase penalties for use of interstate commerce facilities in the commission of a murder-for-hire and other felony crimes of violence.

Sec. 805. This section amends existing section 1959(a) of title 18, U.S.C., to increase penalties and expand the prohibition on include aggravated sexual abuse.

Sec. 806. This section fills a gap in existing federal law and creates a new criminal offense for violent acts committed during and in relation to a drug trafficking crime.

Sec. 807. This section creates a new criminal offense for traveling in or causing another to travel in interstate or foreign commerce or to use any facility in interstate or foreign commerce with the intent that 2 or more murders be committed in violation of the laws of any State or the United States.

Sec. 808. This section modifies the list of RICO predicates to clarify applicability of predicate offense which occur on Indian country or in any other area of exclusive Federal jurisdiction.

Sec. 809. This section applies the rebuttable presumption in pre-trial release detention hearings to cases in which a defendant is charged with firearms offenses after having previously been convicted of a prior crime of violence or a serious drug offense.



Sec. 810. This section amends United States Code to clarify venue in capital cases where murder, or related conduct, occurred.

Sec. 811. 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. 812. 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. 813. 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. 814. 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. 815. 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. 816. This section requires the Attorney General and the Secretary of Homeland Security to jointly conduct a study on illegal immigration and gang membership.

Sec. 901. 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 prosecutors and law enforcement in order to increase accurate identification of gang members and violent offenders, and to facilitate coordination among law enforcement and prosecutors.

Sec. 902. This section reauthorizes the Gang Resistance Education and Training Program.

Sec. 903. This section authorizes the Justice Department to provide grants to establish offender reentry courts.

Sec. 1001. This section authorizes a new grant program for the National Crime Prevention Council.

Sec. 1002. This section requires the Justice Department to conduct a study.

Sec. 1101. Short Title.

Sec. 1102. 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 bad will prevail.

What we have heard from the opponents of this motion to suspend the rules is that the bill is a good one, but it doesn't do enough, and we ought to add this and this and this and 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.

Honestly, 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 personnel and 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 help our law enforcement 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 consideration on the House floor on Wednesday, March 8, 2006. I agree that 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 construed to limit 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,  
Washington, DC, March 7, 2006.

Hon. F. JAMES SENSENBRENNER, JR.,  
*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 CHILDHHELP National Registry Act 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 construed to prejudice the Committee on Education and the Workforce's jurisdictional interest and prerogatives on these provisions or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my committee in the future. Furthermore, should these or similar provisions be considered in a conference with the Senate, I would expect members of the Committee on Education and the Workforce be appointed to the conference committee on these provisions.

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

Sincerely,  
HOWARD P. "BUCK" MCKEON,  
*Chairman.*

HOUSE OF REPRESENTATIVES  
COMMITTEE ON WAYS AND MEANS,  
Washington, DC, March 7, 2006.

Hon. F. JAMES SENSENBRENNER, JR.,  
*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 501 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 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. BILL THOMAS,  
*Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.*

DEAR CHAIRMAN THOMAS:

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 consideration on the House floor on Wednesday, March 8,

2006. I agree that sections 501 and 502 implicate the jurisdiction of the Committee on Ways and Means, 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 construed to limit the jurisdiction of the Committee on Ways and Means 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.*

Mr. STARK. Mr. Speaker, I rise in opposition to H.R. 4472, the Children's Safety and Violent Crime Reduction Act. Once again, this Congress is attempting to address very serious 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-conceived legislation that is as much an attack on our independent judiciary as it is a bill to protect kids.

Many child advocates themselves oppose this bill because kids in grade school or junior high will be swept up alongside paroled adults in sex offender registries. Many caught in registries would be 13 and 14 year olds. In some states, children 10 and under would be registered.

This bill creates new mandatory minimum sentences, which impose the judgment of Congress over every case, regardless of the circumstances. The Judicial Conference of the United States and the U.S. Sentencing Commission have found that mandatory minimums actually have the opposite of their intended effect. They "destroy honesty in sentencing by encouraging plea bargains." They treat dissimilar offenders in a similar manner, even though there are vast differences in the seriousness of their conduct and their danger to society. Judges serve a very important role in criminal justice, and Congress should not attempt to do their job for them.

Finally, this bill expands the death penalty, which is not a deterrent, costs more to implement than life imprisonment, and runs the risk of executing the innocent.

Nobody, especially the parents and victims of sexual abuse who have contacted me on this issue, should confuse my objections to this bad policy with indifference to the problem of child sex abuse in this country. It is a huge problem, affecting millions of American children. Recent news stories prove that the registry system isn't working well.

I support aspects of this bill, including a strengthened nationwide registry for pedophiles, with strict requirements for reporting changes of address and punishments for failing to report. I support establishing treatment programs for sex offenders in prison, background checks for foster parents, funding for computer systems to track sex crimes involving the Internet, and, at last resort, procedures for committing sexually dangerous persons to secure treatment facilities.

However, I cannot violate my Constitutional duty to protect our independent judiciary nor can I support extreme, dangerous policies, so I will vote against this bill. I hope that, working with the Senate, we can improve this legislation and implement the policies that everyone

agrees are needed without the unintended consequences of the bill in its current form.

Mr. WATT. 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.

MARCH 7, 2006.

DEAR REPRESENTATIVE CONYERS: On behalf of the Judicial Conference of the United States, the policy-making body of the federal 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 emphasize 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 would wish to modify. In particular, 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 circumstances surrounding the murder of family members of Judge Joan Lefkow of the United States District Court for the Northern District of Illinois. Her husband and mother were shot and killed by a disgruntled litigant.

The current bill contains several provisions that are of particular interest to the federal courts and that are supported by the Judicial Conference. One provision of the bill requires the United States Marshals Service to consult with the Administrative Office of the United States Courts regarding the security requirements of the judicial branch. While this is a positive amendment to current law, we believe that the United States Marshals Service should be required to "coordinate" with the judicial branch.

The bill contains two other provisions that are supported by the Judicial Conference including one that will help protect judges from the malicious recording of fictitious liens and another that extends to federal judges the authority to carry firearms under regulations prescribed by the Attorney General in consultation with the Judicial Conference of the United States. The latter provision says that, with respect to justices, judges, magistrate judges and bankruptcy judges, such regulations "may" provide for the training and regular certification in the use of firearms. The Judicial Conference believes that the training and certification requirement should be mandatory and that "shall" should replace "may."

While the bill addresses many important issues of interest to the Conference, the bill also contains some provisions about which we are concerned, which we briefly address below.

The bill would amend the habeas corpus procedures set out in 28 U.S.C. §§ 2264 and 2254 to bar federal court review of claims based upon an error in an applicant's sentence or sentencing that a court determined to be harmless or not prejudicial, that were not presented in state court, or that were found by the state court to be procedurally barred, "unless a determination that the error is not structural is contrary to clearly established federal law, as determined by the Supreme Court." This section is similar to a provision of the Streamlined Procedures Act (H.R. 3035 and S. 1088, 109th Congress) that was opposed by the Judicial Conference as described in a September 26, 2005 letter sent to members of the House Judiciary Committee. The Conference specifically opposed sections of the Streamlined Procedures Act that would limit judicial review of procedurally defaulted claims and harmless errors in federal habeas corpus petitions filed by state prisoners. Those provisions had the potential to:

(1) Undermine the traditional role of the federal courts to hear and decide the merits of claims arising under the Constitution;

(2) Impede the ability of the federal and state courts to conduct an orderly review of constitutional claims, with appropriate deference to state-court proceedings; and

(3) Prevent the federal courts from reaching the merits of habeas corpus petitions by adding procedural requirements that may complicate the resolution of these cases and lead to protracted litigation. . . .

The habeas provision in this bill raises similar concerns and is opposed by the Judicial Conference.

Another section would make it a federal crime for a person to knowingly fail to register as required under the Sex Offender Registration and Notification Act if the person is either a sex offender based upon a federal conviction or is a sex offender based on a state conviction who thereafter travels in interstate or foreign commerce, or enters or leaves, or resides in, Indian country. Because the requirement to register under that act would include convictions in state courts, this has the potential to expand federal jurisdiction over large numbers of persons whose conduct would previously have been subject to supervision solely by the state courts. In addition, as the bill requires the states to expand systems for supervising all persons convicted of specified offenses, the expansion of federal jurisdiction into this area risks duplication of effort and conflicts between the federal and state systems.

The bill would amend 18 U.S.C. § 5032 to allow a juvenile who is prosecuted for one of the specified crimes of violence or firearms offenses to "be prosecuted and convicted as an adult for any other offense which is properly joined under the Federal Rules of Criminal Procedure, and also [to] be convicted as an adult of any lesser included offense." Given that joinder of offenses is liberally allowed under the Rules, and that the bill further provides that the determination of the Attorney General to proceed against a juvenile as an adult is an exercise of unreviewable prosecutorial discretion, this provision could result in the federal prosecution of juveniles for myriad offenses if they are also prosecuted for a felony crime of violence or a firearms offense.

The bill contains various provisions that expand the application of mandatory minimum sentences. The Judicial Conference opposes mandatory minimum sentencing provisions because they undermine the sentencing guideline regime Congress established under the Sentencing Reform Act of 1984 by preventing the systematic development of guidelines that reduce unwarranted disparity and provide proportionality and fairness in punishment. While we recognize the desire to increase the security of persons associated with the justice system, we believe that this can be accomplished without resort to the creation of mandatory minimums.

I appreciate having the opportunity to express the views of the Judicial Conference on H.R. 4472, the "Children's Safety and Violent Crime Reduction Act of 2005." If you have any questions regarding this legislation please contact Cordia Strom, Assistant Director, Office of Legislative Affairs.

Sincerely,

LEONIDAS RALPH MECHAM,

*Secretary, Judicial Conference  
of the United States.*

DECEMBER 15, 2005.

DEAR CHAIRMAN SENSENBRENNER AND REPRESENTATIVE CONYERS: On behalf of the National Juvenile Justice and Delinquency Prevention (JJDP) Coalition, an alliance of nearly 100 organizations that work in a variety of arenas on behalf of at-risk youth, we

are writing at this time to express our very deep concerns about recently introduced H.R. 4472. This "omnibus" bill incorporates several separate bills; two of these bills have been the focus of strong opposition by this 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 both the National Sex Offender Registry to be maintained by the Attorney General 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 confidentiality. Without the use of careful risk assessments and judicial review for each juvenile sex offender, youth who pose no future risk to public safety will have their own safety jeopardized 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 creating policy 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 offenders who act out sexually do not tend to eroticize aggression, nor are they aroused by child sex stimuli as adult sex offenders are. Many young people who exhibit sexual behavior have been sexually abused themselves and/or exposed to pornography or other sex stimulation by someone older. As a result of this abuse and victimization, they need mental health services and support. Mental health professionals regard this juvenile behavior as much less dangerous. Indeed, when applying the American Psychiatric Association diagnostic criteria for pedophilia (abusive sexual uses of children) to the juvenile arrests included in the National Incident Based Reporting System, only 8 percent of these incidents would even be considered as evidence of a pedophilia disorder.

Furthermore, many of the juveniles who are included on sex offender registries are done so for behavior that certainly does not fit the profiles compelling such requirements. For example, under the Idaho Code, two fifteen year olds engaged in "heavy petting" would be guilty of a felony requiring them to register on the state's sex offender list.

Regarding recidivism, not only is the re-arrest rate for youth charged with sexual crimes much lower than that for adults, but the subsequent arrests of these youth are primarily for non-sexual offenses. A 2000 study by the Texas Youth Commission of 72 young offenders who were released from state correctional facilities for sexual offenses (their incarceration suggests that judges considered these youth as posing a

greater risk) found a re-arrest rate of 4.2% for a sexual offense. A 1996 study found similarly low sex offense recidivism rates in Baltimore (3.3-4.2%), San Francisco (5.5%) and Lucas County, Ohio (3.2%).

TITLE VIII: REDUCTION AND PREVENTION OF GANG VIOLENCE

The juvenile transfer provisions of Title VIII would result in the expanded "transfer" or "waiver" of youth to the adult criminal system and/or placing an additional number of youth in adult correctional facilities. Comprehensive national research on the practice of prosecuting youth in the adult system has conclusively shown that transferring youth to the adult criminal justice system does nothing to reduce crime and actually has the opposite effect. Study after study has shown that youth transferred to the adult criminal justice system are more likely to re-offend and to commit more serious crimes upon release than youth who were charged with similar offenses and had similar offense histories but remained in the juvenile justice system.

Moreover, national data shows that, in comparison to youth held in juvenile facilities, young people incarcerated with adults are: five times as likely to report being a victim of rape; twice as likely to be beaten by staff; and 50% more likely to be assaulted with a weapon.

A recent Justice Department report also found that youth confined in adult facilities are nearly 8 times more likely to commit suicide than youth in juvenile facilities.

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 most basic principles of due process and fairness.

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 JJDP Coalition on these issues. We urge you to utilize this evidence in creating policy that will genuinely contribute to enhanced community safety and lower recidivism as well as assist and support system-involved youth in getting on the path to productive adulthood.

We appreciate your consideration of our concerns. If you have any questions, please do not hesitate to contact Morna Murray at the Children's Defense Fund at 202.662.3577, mmurray@childrensdefense.org or Elizabeth Gladden Kehoe at the National Juvenile Defender Center at 202.452.0010, x103, ekehoe@njdc.info.

Sincerely,

MORNA A. MURRAY,  
Children's Defense  
Fund, Co-chair, National  
Juvenile Justice & Delinquency  
Prevention Coalition;

JOHN TUELL,  
Child Welfare League  
of America, Co-  
chair, National Ju-  
venile Justice & De-  
linquency Preven-  
tion Coalition.

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.

FEBRUARY 23, 2006.

In New Jersey, the Office of the Public Defender represents all indigent persons entitled to a court hearing concerning the Megan's Law tier classification and community notification proposed for them by 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 experience 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, we believe we have a unique perspective to provide the House with comments concerning H.R. 4472 (the Children's Safety and Violent Crime Reduction Act of 2005), 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 negative impact on many juveniles, subjecting them to notification in their neighborhoods and via the Internet for possibly 20 years. This would inflict undue hardship which, given the low risk of re-offense juvenile sex offenders pose to the public and their strong amenability 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 160 high risk offenders, but as proposed under H.R. 4472 would apply to thousands of registrants. Based on our firsthand experience this form of notification will predictably lead to large numbers of offenders becoming homeless and unemployed.

Because this form of notification will undermine 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 offense free, and thus will negatively affect public safety.

Third, by impacting on registrants' abilities to provide for their most basic needs, 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 neighborhood notification proposed by H.R. 4472 parole officers will be unable to keep registrants in jobs, maintain their stable home environments and continue registrants' treatments as those monitoring programs require. In this way, H.R. 4472 will frustrate New Jersey's longstanding efforts to monitor sex offenders and will compromise, not further, community safety.

Fourth, the bill subjects all registrants, including many juveniles, to the identical

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 and diverts 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 for juveniles. However, the bill would require juvenile offenders deemed a tier II to be subject to 20 years of public notification to communities and via the Internet. Sec. 111 (6). Some young juveniles may even unfairly be deemed a tier III since the victim involved would likely be less than 13 years of age. See Sec. 111 (7). These tier 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 will remain free of sex offense recidivism. It is consistently found that sex offense recidivism rates among juveniles are among the lowest of all such offenders—less than 8% in most treatment 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. If the proposed bill becomes law, however, it will mean that children will be stigmatized for life on the basis of their childhood behavior. Despite the questionable public safety benefits of community notification with 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 violate the long tradition in our country of 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 Deprive Many Registrants, Including Those Who Are a Low or Moderate Risk, Of The Basic Means To Live Productively In Society With The Unintended Consequence Of Increasing Their Risk Of Re-Offense.

H.R. 4472 provides that in most cases the same public notification would be provided to registrant's neighborhoods and in the vicinity where they work and attend school, regardless of their danger to the public. 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" only after an assessment 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. This is due to customers refusing to frequent the business, and neighbors 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 their homes, and eventually become homeless. Typically this is due to landlords being pressured by surrounding homeowners to evict the registrant. And in cases where registrants own their home, significant threats and vandalism have occurred to drive the offender away. In one New Jersey case, following notification five bullets were fired through the front window of a registrant's apartment by a neighbor, nearly wounding an innocent tenant. Thus, under H.R. 4472 it is predictable that substantial numbers of registrants will become homeless.

Registrants pose a much higher risk of re-offense when they have no job or stable housing. This is agreed upon by studies in the field of sex offender recidivism, New Jersey's own actuarial scale for determining registrant risk, as well as our experience working with registrants over the past ten years. Therefore, the unintended consequence of providing many registrants' home addresses and places of employment as required by H.R. 4472 will be that substantial numbers will have their re-offense risk increased.

Furthermore, homeless and jobless registrants are, of course, unable to pay for sex offender and substance abuse treatment which have been proven to markedly reduce 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 H.R. 4472 to registrants' neighborhoods listing their place of employment may trigger a new offense, by removing the supportive components of a person's rehabilitation. See R. Karl Hanson & Andrew Harris, Solicitor General of Canada, *Dynamic Predictors of Sexual Recidivism* (1998) at 2 ("recidivists showed increased anger and subjective distress just prior to offending"); ATSA, *The Registration and Community Notification of the Adult Sexual Offender* at 3 (2005) (notification will "ostracize[]" sex offenders and "may inadvertently increase their danger.")

Finally, H.R. 4472 would require notification to be distributed to neighborhoods in cases involving an intra-familial offense. As this notification will result in victims' identities being disclosed to neighbors, the practice will act as a significant deterrent to having victims of familial offenses report them to police. Sec. 111 (6), (7). Thus, public notification in cases involving a single intra-familial offense should be eliminated from the bill.

Given the predictable consequences of the notification proposed in H.R. 4472, we submit that notice to a registrant's neighborhood or around his place of employment which includes his home address, and any notification including his place of work, should occur only for high risk offenders, and only after an individualized risk assessment. Otherwise, H.R. 4472 will run the danger of destabilizing large numbers of registrants by hav-

ing them lose the jobs and housing essential to maintaining offense-free lives. As mentioned, the notice proposed by the bill will also discourage victims of intra-familial offenses from contacting law enforcement.

3. The Notification Proposed in H.R. 4472 Will Undermine the Ability of States Like New Jersey to Implement Parole for Life Programs Which Require Law Enforcement Officers to Monitor Registrants, and Require Registrants to Maintain Jobs, Housing and Treatment to Reduce their Risk of Re-Offense.

Since 1994, every adult registrant in New Jersey who committed a sex offense has been placed on a form of close monitoring known as community or parole supervision for life. See N.J.S.A. 2C:43-6.4. The purpose of the program is to locate and monitor adult registrants, potentially for life, "as if on parole." Id. Applicable State regulations provide that the registrant must maintain stable housing and a job, avoid drug or alcohol use (as monitored by urine testing), occasionally submit to random visits by their parole officer at home, attend sex offender and/or substance abuse treatment, as well as other requirements.

The success of this eleven-year-old program depends upon a parole officer being able to locate the lifetime parolee in their home, do random drug and alcohol testing, check for other signs of instability or loss of employment, and thus prevent the precursors to re-offending. However, the notification provisions of H.R. 4472 will lead to large numbers of offenders becoming homeless and will result in parole officers being unable to locate registrants and provide them with the close supervision needed to reduce recidivism rates. Thus, the State's efforts to assist registrants in keeping stable housing or a job, basic requirements of parole, will be frustrated.

When we explained to a New Jersey parole officer that the proposed legislation will 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 jobs." She expressed the view that a significant number might re-offend because, "A lot of these things are due to high stress rates." Finally, she expressed concern that most of them would 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 Supervision for Life, New Jersey also assigns special probation officers to exclusively monitor sex offenders while on parole (prior to implementation of their special sentence of community or parole supervision for life) so they can concentrate on the particular needs this population presents, and provide the type of close supervision they require. (Notably, we have observed that other states appear to be putting more and more sex offenders on probation for life and similarly long sentences, even for very minor offenses—so it is likely that this legislation will strongly affect those states as well.)

When we explained the notification requirements of the bill to a special probation officer he replied that, "You'll end up having many, many people re-offending—what else could they do?" When asked if he thought these provisions would cause many registrants to lose their jobs, he 4 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 Megan's law (which is to enable law enforcement to locate registrants in the course of investigating new offenses, monitor registrants, and explore allegations of misconduct by such registrants), will be substantially undermined by the notification provision of H.R. 4472.

Over the past dozen years, New Jersey and other states have acted as laboratories for experimentation with sex offender registration and supervision programs. During this period, many states have established effective measures to combat recidivism. We recommend that these states should 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.

4. 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 Tied to Risk Level.

Pursuant to Section 122 of the bill, all "sex offenders," regardless of their tier determination, are subject to identical public notification to neighborhoods and via 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 level 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.

Formal 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, Myths and Facts About Sex Offenders, at 2 (August 2000) (citing various studies regarding recidivism rates and noting: "Persons who commit sex offenses are not a homogeneous group, but instead fall into several different categories. As a result, research has identified significant differences in re-offense patterns from 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 (May 2001) (citing study which found a 4% rate of recidivism for incest offenders). Other studies have determined that effective treatment substantially reduces recidivism levels. *Id.* at 12-14 (citing studies 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 sex offender programming was 7.1 % 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 significantly on a registrant's risk to the public, H.R. 4472 fails to consider any, and instead would compel participating states to label registrants based solely on their offense. It would also require the identical type of notification for the overwhelming majority of offenders. This system will unwisely overload the public with thousands of offenders' names and pictures and 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, 526 (App. Div. 1997) (noting that a "mechanical" application of a notification law will "impede [its] beneficial purpose"); *E.B. v. Verniero*, 119 F.3d 1077, 1107-08 (3d. Cir. 1997) (holding that a state does not have "any interest in notifying those who will come in contact with a registrant who has erroneously been identified as a moderate or high risk.")

For example, under H.R. 4472 a person convicted of criminal sexual contact in New Jersey (N.J.S.A. 2C:14-3) for touching a juvenile over clothing on the buttocks on one occasion, years ago, with no history of any prior offense and with a successful record of treatment, must be labeled a tier II sex offender. This registrant, along with many others of a similar ilk, would be made subject to notification in his neighborhood and via the Internet with other offenders whose conviction and psychological profile made them much greater risk. (For example, an offender convicted of aggravated sexual assault who received no treatment and had recently been discharged from prison.) Multiply this example by thousands of cases, and it becomes apparent that the public's safety requires a time-tested notification system, like New Jersey's, which includes a risk determination and sends a clear message, through the type of notification provided, which registrants most require the public's attention. The "one size fits all" approach adopted in H.R. 4472 is counterproductive and misinforms the public of the relative danger posed by registrants. For these very reasons, professional groups such as ATSA have called for a risk based approach to community notification which provides the most substantial form of notification for those posing the greatest risk. ATSA, The Registration and Community Notification of Adult Sex Offenders, *supra.*

In New Jersey, a registrant's risk level is determined using the State's Risk Assessment Scale ("RAS"). The RAS is a matrix of thirteen static and variable risk factors which are weighted according to their relative predictive value. The thirteen factors in the RAS are evaluated and assigned a point score by a prosecutor. The combined point total from the RAS factors determines the registrant's tier classification, placing him in either the low, moderate or high risk levels. With information from the registrant's criminal history and registration data an attorney or paralegal familiar with the RAS can calculate a registrant's point total and resulting tier classification in just a few minutes.

In New Jersey, the hearings that determine the final risk assessment are held within a short time after the RAS determination has been made, and the registrant is ordinarily given approximately 45 days to prepare his case, although some matters are decided in even a shorter term if there is no disagreement. The hearings uncover information that may not be available to the prosecutor, such as whether the registrant is in a supervised placement such as a half-way house, treatment facility or nursing home,

which is desirable for the supervision it provides. As set forth above, this influences the degree of notice that is distributed since it affects the registrant's risk and may avoid excessive notification that would require the facility to evict the client, depriving him of needed supervision, and increasing his risk to the community.

The hearings also reveal the history of the registrant since the offense, and how many years he has been at liberty since it occurred which may be as long as 20 or 25 years ago, in some cases. His record of rehabilitation, achievement in sex offender specific therapy and substance abuse recovery, cooperation with probation and/or parole programs, and other information are also considered. Significantly, 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.

In summary, studies in the field and our experience over the past ten years has shown that sex offenders are a highly heterogeneous group, and that this diversity includes offenders who present little risk of re-offense. Inundating the public with the same form of notification which includes many low risk offenders will only frustrate the remedial goals that notification is designed to serve. Such over-broad notification is especially egregious when one considers that, as discussed above, it impacts substantially upon the ability of an offender to work, find or remain in their housing, continue in treatment and to live offense-free in 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 allow the public to easily differentiate between offender risk levels. Moreover, it will permit states to meaningfully implement parole for life programs for sex offenders 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. BUNCHER,  
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 House floor 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 that infringe upon protected First Amendment 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 scheduled for 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. Chronic problems, including inadequate defense counsel and racial disparities, plague the death penalty system in the United States. The expansion of the death penalty 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 significant 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 system, giving prosecutors tremendous discretion to "forum shop" for the most death-friendly jurisdiction in which to try their case.

In carjacking 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 attempt and conspiracy in carjacking cases, which we believe is unconstitutional.

H.R. 4472 ERODES FEDERAL JUDGES' SENTENCING DISCRETION BY PROPOSING HARSHER MANDATORY MINIMUM 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 increased to 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. Prosecutors hold 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 commit 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 or association 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 a 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 if 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 ability to defend him or herself 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 or review of the alleged child pornography except as necessary for the preparation of the defense. Giving the government sole possession of the material may well harm the defendant's case. Forensic analysis is often critical in determining whether the material is, in fact, child pornography.

TITLE VI INFRINGES UPON CONSTITUTIONALLY PROTECTED SPEECH UNDER THE FIRST AMENDMENT

The legislation would require record keeping for simulated sexual conduct. Simulated sexual conduct that is not obscene is protected under the First Amendment. "Laws that burden material protected by the First Amendment must be approached from a skeptical point of view and must be given strict scrutiny." The fact that those laws only burden rather than prohibit protected material does not save them constitutionally.

This provision of the bill infringes upon protected speech and is not narrowly tailored to solve the problems of child pornography. Understandably, mainstream producers will comply with the law, but those who are intent on making child pornography are unlikely to do so. This provision is therefore constitutionally suspect.

FEDERAL COURTS WOULD ESSENTIALLY BE UNABLE TO RELEASE SOME PEOPLE ON DEATH ROW WHO WERE WRONGFULLY CONVICTED

Most habeas corpus petitions that challenge a person's death or criminal sentence are brought to federal court based on a constitutional error that under the law is considered "harmless" or "non-prejudicial." These types of legal errors do not involve substantial rights and do not necessarily result in a person being released from custody. H.R. 4472 would prevent federal courts from hearing claims in death penalty cases that involve claims of cruel and unusual punishment under the Eighth Amendment or whether a defendant's lawyer was ineffective during the sentencing phase of a capital case.

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 unconstitutional under the doctrine of Separation of Powers. Removing jurisdiction over many habeas claims from Federal courts ignores the Separation of Powers doctrine by eliminating 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 expands the government's authority 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 law, DNA samples that are voluntarily submitted to law enforcement authorities are not included in the Combined DNA Indexing System (CODIS). In addition, DNA profiles of individuals arrested but not 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 criminal database renders him or her 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 people 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 UNDERGROUND

The proposed legislation requires sex offenders to update registry information within 5 days of a change in 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 are unrealistic, 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, states will be 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 on a monthly basis.

The bill will also require the work addresses of sex offenders to be available on the Internet. Publicizing information about employers and their addresses on the Internet could ultimately lead to employers refusing to hire former sex offenders. Research has shown that significant supervision upon release and involvement in productive 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 will become hardened criminals after being tried in Federal court and incarcerated in adult prisons. H.R. 4472 would give prosecutors the discretion to determine when to try a young person in Federal court as an adult, if the juvenile is 16 years of age or older and commits a crime of violence. The decision by a prosecutor 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 particularly troubling when juveniles are not 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 FREDRICKSON,  
*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 at the whim 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 being released 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 sentences, including life without parole, regardless of their vulnerability and capacity for reform.

More than 20 years of experience across the nation has revealed that subjecting 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 increased number of children to adult sanctions.

**Mandatory Minimums:** The legislation would impose harsh, new mandatory minimums 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 culpability. Blanket mandatory minimums tied to one or two factors do little to protect community safety at high cost to the criminal justice system. This legislation incorporates three bills that have already passed the House, H.R. 1279 ("Gang Deterrence Act of 2005"), H.R. 3132 ("Children's Safety Act of 2005"), and H.R. 1751 ("Secure Access to Justice and Court Protection Act of 2005"), with some modi-

fications. It does not include the hate crime enhancement and gun prohibition provisions that passed as part of H.R. 3132.

If anything, Congress should be looking for ways to eliminate mandatory minimums and restore judicial discretion, proportionality, and fairness in sentencing.

**Expansion of the Federal Death Penalty:** The legislation greatly expands the number of federal crimes that carry the death penalty. This expansion of the death penalty is at odds with the growing recognition that the criminal justice system is fallible, arbitrary and unfair, and does not deter crime. There is no legitimate basis for expansion of this inherently cruel and immutable punishment.

**Registration Requirements for Low-Level Offenders:** There may be legitimate community safety rationales for requiring, for a limited period of time, certain sexual offenders to register. There is, however, no legitimate community safety justification for the provisions in this legislation that require offenders to register for the rest of their lives, regardless of whether they have lived offense free for decades. There is also no legitimate community safety goal served by the provisions that impose 20-year registration requirements on low-level or misdemeanor offenders. These registration requirements are imposed on individuals who have already served their sentences and are attempting to reintegrate into the community. Registration requirements put these individuals at risk of retaliation and discrimination and make it extremely difficult for these individuals to find employment, housing, and to rebuild their lives.

Human Rights Watch fully supports holding accountable those who violate the rights of others. But commission of a crime, even a crime that involves sexual misconduct, should not be license to run roughshod over principles of fairness and proportionality. Human Rights Watch urges you to vote against H.R. 4472.

Respectfully submitted,

JENNIFER DASKAL,  
*Advocacy Director, U.S. Program.*

Mr. DREIER. Mr. Speaker, I rise in strong support of H.R. 4472, the Children's Safety and Violent Crime Reduction Act. This bill combines three measures, previously approved by the House with strong bipartisan support, which seek to protect our children, combat gang violence and ensure the safety of judicial and law enforcement officials.

This legislation sends a strong message to our law enforcement officers and local officials that the Federal government is a key partner in their efforts to keep our communities safe. I represent Los Angeles and San Bernardino Counties, where law enforcement officers are combating gang violence by increasing the number of gang task forces and reaching out into the community to give kids alternatives to gang membership. This legislation imposes the tough mandatory sentences we need to keep gang members off the street and our neighborhoods safer. We are also doing the same for sex offenders, keeping them off the streets longer, and enforcing registration laws to empower parents with the information they need to keep their children safe.

I would like to take a few moments to comment on the judicial and law enforcement protection provisions of the bill. Judges, peace officers and everyone involved in the justice system are protectors of the law and servants of safety. They devote their lives and often place themselves in harm's way so that we may live without fear and danger. Any attack on these dedicated Americans is an attack on the very foundation of our Nation.

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 complicated 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; it 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. GOHMERT included key provisions 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 10 year 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. because they may 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 more 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 requirements. Many of the violent crimes against children are preventable if communities know that possibly 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 produce 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 can't hinder our investigators with jurisdictional hurdles and information blockades. My legislation will look for ways to make communication and information sharing 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 (Mr. FEENEY). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4472, as amended.

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

A motion to reconsider was laid on the table.

#### EXTENDING NORMAL TRADE RELATIONS TREATMENT TO UKRAINE

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1053) to authorize the extension of nondiscriminatory 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 establishment 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 paragon 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 Reduction and Limitation of Strategic Offensive 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, to assist Iran with the completion of a program to develop and build 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 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 consistently pursues 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 bilateral 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 cease to apply to that country.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Maryland (Mr. CARDIN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

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

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

Mr. THOMAS. Mr. Speaker, this is really an exciting time in which we recognize the continuing maturation and involvement of a new nation, yet a nation of people who have deserved better over many decades and are now beginning to see the fruit of their struggle manifest itself. We are asking today in this legislation to recognize that the country of Ukraine that has entered into a series of agreements with the United States and other countries, and I include an exchange of letters between the United States Trade Representative Rob Portman and myself as chairman of the Ways and

Means Committee, indicating some certainties 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,  
COMMITTEE 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 as scheduled, 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,

BILL 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: Today, 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 to focus on WTO rules issues 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 revising its trade regime to adhere 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 will continue to work with 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 all 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 application of 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 our bilateral mechanisms, we will be able to use the WTO to monitor implementation of commitments, and as needed, avail ourselves of the various consultation 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 new leaders to consolidate democracy, promote respect for human rights, and modernize the country's economy.

□ 1200

I also was impressed by the leader's commitment to further integrate Ukraine into the European and Euro-Atlantic community.

I am not the only one to have been impressed by Ukraine's efforts. International organizations such as Freedom House have acknowledged Ukraine's progress of recent years in protecting the political 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 relation 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 Helsinki Commission colleague 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 Ukraine and government instructed the media about how to cover the elections and systematically abused government resources. In contrast, the upcoming elections are expected to be free and fair.

Mr. Speaker, I also want to take a few moments to comment on the issues of the underlying legislation we are considering today. The issue Congress is formally considering today is whether to withdraw the application of the Jackson-Vanik amendment to Ukraine and thereby grant Ukraine permanent normal trade relations status. The Jackson-Vanik amendment, which was adopted in 1975, was intended to provide a way for the United States to deny trade benefits to countries that are denying the rights of its citizens, particularly religious minorities.

Mr. Speaker, in light of 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.

Since independence, each successive Government of 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 continued this unambiguous 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-Semitic activities of Ukraine's largest private university, the Interregional Academy of Personnel Management.

Mr. Speaker, I have raised both of these issues in recent days with the Ambassador from the Ukraine and from other Ukrainian officials, and I have been impressed by their commitment to address these issues. Ukrainian officials have assured me that the

government is committed to continuing its effort to return communal property and that the Government of Ukraine will continue to condemn at the highest levels the anti-Semitic activities of the Interregional Academy of Personnel Management and any other anti-Semitic activities.

Mr. Speaker, given these concerns, I am pleased that the legislation we are considering today highlights the importance of Ukraine's continuing commitment to ensure freedom of religion, respect for minorities, and eliminating intolerance.

Shortly I will yield time to the gentleman from California (Mr. LANTOS), the ranking member of the International Relations Committee and our leader in Congress on the issue of human rights, democracy and religious freedom. Mr. LANTOS is the leader in Congress of our Task Force to Combat Anti-Semitism, and I want to thank him for working with me, the Helsinki Commission, and the OSCE as we have battled against the rise of anti-Semitism globally, and particularly within the OSCE states.

Ukraine has agreed to certain commitments to fight anti-Semitism, as have all of the 55 participating states of the OSCE. And let me make this crystal clear: today we intend to hold Ukraine to these commitments, including the responsibility to denounce anti-Semitism statements and vigorously enforce hate crime laws and promote diversity and tolerance in school curriculum. I am pleased that section 1, paragraph 4 of the resolution before us references these OSCE commitments.

Let me make a personal reflection here. During my visit to Ukraine last year, I visited two monuments, the Ukraine Famine Memorial, honoring the millions of victims of Stalin's genocidal 1932 and 1933 famine, and Babi Yar, where hundreds of thousands of Jews and others were massacred by the Nazis during World War II.

Mr. Speaker, it was a moving experience for me to lay a wreath at these sites in the Ukraine. These horrific events were a testimony to the cruelty and intolerance of dictatorships, and I do believe that today's independent Ukraine now understands that respect for human rights and a commitment to democracy and tolerance are the best inoculation against the horrors like the famine and Babi Yar.

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 corruption.

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.

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 am also pleased to underscore 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. 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. KAPTUR 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 in support of 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 with their votes a pro-democracy, pro-reform candidate for President, Victor Yushchenko. This election highlighted the commitment of the Ukraine 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. Over 30 years later, virtually everyone agrees that Ukraine's record on freedom of immigration and religious freedom and tolerance is good.

These restrictions have long been outdated, a fact recognized by the administration in its granting of normal trade relations status to the 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 term. However, the message 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 for yielding, for his eloquent statement and for his leadership on all human rights issues that come before this House.

Mr. Speaker, like all of our colleagues, I welcome the democratic strides that Ukraine has taken since the Orange Revolution, and I want to note that the country has met the basic narrow condition for lifting Jackson-Vanik restrictions. Jews are allowed to emigrate from Ukraine. But I am very deeply concerned about the larger human rights questions, and particularly the failure to deal with rampant anti-Semitism in Ukraine.

Mr. Speaker, the Anti-Defamation League, which monitors anti-Semitic incidents around the world, reports a disturbing trend in Ukraine. In 2005, 164 incidents of anti-Semitism, ranging from vandalism to brutal violence, were reported there, three times the incidents reported in 2004.

The principal source of anti-Semitic agitation in Ukraine is the so-called private university MAUP, which is officially recognized as an institute of higher education. It is accredited by Ukraine's Ministry of Education, it has tens of thousands of students enrolled

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 meetings and conferences and 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 history and mass murder in that subject. The president of this university, Shchokin, is the head of another organization which also uses its license for purely anti-Semitic activities.

One of these institution's most appalling actions has been to court the disgraced and odious American white supremacist David Duke. This "university" awarded him a doctorate for a thesis entitled, "Zionism as a Form of Ethnic Supremism." David Duke holds forth in the classrooms in Ukraine on history and international relations. He was also a key participant in a June 2005 conference sponsored by this so-called university entitled, "Zionism: A Threat to World Peace."

Other leading anti-Semites in Ukraine were given star billing at that conference, including Holocaust deniers.

□ 1215

Recently the president of the so-called university expressed public support for Iranian President Ahmadinejad's denial of the Holocaust, and approved of his threat to wipe Israel off the map.

Mr. Speaker, in meetings with officials of Ukraine and top officials of our own government, I have repeatedly emphasized that I cannot support lifting Jackson-Vanik provisions for Ukraine when the government fails to deal with the issue of anti-Semitism. I have called upon Ukrainian officials to speak out and publicly denounce this vile venom from the so-called university and its president.

I am pleased to report to my colleagues, Mr. Speaker, that while this ugly problem has not yet been fully resolved, over the last few months a number of positive steps have been taken by the Government of Ukraine, and that is the reason I am willing to support the lifting of Jackson-Vanik for Ukraine.

I would like to mention the most positive actions that have been taken to deal with anti-Semitism in response to the serious concerns that I have raised with both Ukrainian and American officials. The President of Ukraine, Victor Yushchenko, on December 5, 2005, publicly condemned anti-Semitism, and he specifically criticized the so-called university, MAUP, for its systematic publication of viciously and violently anti-Semitic articles.

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 actions of this 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 statements said this institution pursued "activities inconsistent with the status of higher educational institutions in the Ukraine."

I am calling on the Government of Ukraine to lift the license of the so-called university to 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 the institution.

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 actions of this so-called university and its vile and despicable leadership. I will continue to monitor anti-Semitism in Ukraine, and I will con-

tinue 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 and to remove the Jackson-Vanik 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 jointly condemn 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 professors 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 non-compliance 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 activities inconsistent with the status of Higher Education Institute in Ukraine". The Ministry addresses the issue to the Ukrainian law enforcement bodies with request to analyze to what extent the actions of MAUP comply with Ukrainian law.

STATEMENT BY "OUR UKRAINE" OF THE OUR UKRAINE BLOC ON MANIFESTATION OF ANTI-SEMITISM AT MAUP

Inflaming hostility, anti-Semitism and xenophobia by certain leaders of the Inter Regional Academy of Personnel Management (MAUP) in MAUP-owned or affiliated mass media is a blatant violation of rights and freedoms of 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

in the last edition of "Ukrainian newspaper plus". It represents a deliberate 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 side of MAUP damage 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 III millennium there cannot 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,  
March 3, 2006.

Hon. TOM LANTOS,  
House of Representatives,  
Washington, DC.

DEAR MR. LANTOS: Let me first of all express my deep 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 party bloc "Our Ukraine" have strongly condemned the anti-Semitic escapades of MAUP leaders. All governmental bodies have seized their co-operation with MAUP. All political forces denied them collaboration during the forthcoming elections.

Politically, MAUP University is isolated and marginalized. Legally, its future is more than vague in view of ongoing investigations (the formal charges are to be filed in the coming weeks). I sincerely hope that you won't see the very existence of this small group of obscurants in my country as an impediment on the way of enhancing Ukrainian-American partnership.

Dear Congressman, anti-Semitism is an issue Ukrainian Government takes seriously and deals with in an expedient and bold manner. This is yet another issue on which we are ready to actively co-operate with the United States. In this regard, I would appreciate if we could meet and discuss all range of Ukraine-U.S. issues during my visit to Washington, D.C. on March 9-10, 2006.

Sincerely,

BORYS TARASYUK.

Mr. SHAW. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. ENGLISH), a member of the Ways and Means Committee.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise in support of this bill and particularly to congratulate the

gentleman from Pennsylvania (Mr. GERLACH), who is its primary sponsor and who has carefully shepherded it forward at a very sensitive time in U.S.-Ukrainian relations.

Mr. Speaker, I strongly support this bill especially when taken in tandem with economic and political reforms made by the Ukraine, as well as the efforts of our negotiators to put together a solid WTO market access agreement.

I urge my colleagues to vote in favor of passage of this bill on the heels of 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 manner. Granting permanent normal trade relations, along with steps already taken to make government loan guarantees from the Export-Import Bank available to U.S. exporters to the Ukraine, will significantly increase U.S. investment in the Ukraine.

Granting the Ukraine permanent normal trade relations status will not only complement the difficult economic reforms that have been made. It will also support and reinforce the democratic 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. FEENEY). 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 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 developments within Ukraine. The Jackson-Vanik instrument is our 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 a WTO accession agreement, and 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, how it treats 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 evolution. 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. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mrs. MILLER).

Mrs. MILLER of 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.

Following the collapse 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 becoming an important member of the community of free 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 now embrace 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, not just 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.

Ukraine has been working hard to achieve the basic foundation of democracy. They worked hard as a million people stood in the streets in the area

of the Maden and stood up to the leadership in attempting to take away the election of the people. They stood tall for the leadership of President Yushchenko.

President Yushchenko has continuously called for this action 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 United States. And 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. Quiet discussions among Ukraine 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 becomes a 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 have to 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 that he will continue his very 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 stood 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.

#### ANTI-DEFAMATION 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 Foreign Minister 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 Borys Tarasyuk, Ukraine's Foreign Minister, Barbara B. Balser, ADL

National Chair, and Abraham H. Foxman, ADL Director welcomed his "strong statement condemning the anti-Semitic actions of MAUP University as unlawful and wrongful and proclaiming that 'there is no place for any form of anti-Semitism and xenophobia in the Ukraine.'"

The League leaders also welcomed the statement of the Ministry of Education and Science accusing MAUP of breaking Ukrainian law by persistent noncompliance with requirements of state licensing rules for universities and failure to abide with legally binding procedures of the State Accreditation Commission.

"We hope the Ukrainian government will continue to condemn such anti-Semitic activities and ensure anti-incitement laws will be effectively enforced," Ms. Balsler and Mr. Foxman said.

A university with 50,000 students, MAUP has made statements supporting the President of Iran's denial of the Holocaust and appeal for Israel's destruction and is a bastion of anti-Jewish propaganda and incitement in the Ukraine.

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

The SPEAKER pro tempore (Mr. FEENEY). The gentleman from Florida (Mr. SHAW) has 7½ minutes remaining.

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

Mr. Speaker, I would like to first of all associate myself with the remarks from the gentleman from Maryland as well as the gentleman from California. I think they expressed very well, as did the other speakers from the majority side, the feeling of the Congress with regard to this resolution. I rise in very strong support of H.R. 1053 which would grant permanent normal trade relations to the products of the Ukraine.

Members of the House have the opportunity to show their support for the important economic and democratic reforms underway by Ukraine by affirming their support to the PNTR status.

As chairman of the Ways and Means Trade Subcommittee, I routinely observe the tremendous benefits that free and fair trade can have on both countries involved. In fact, many times the economic benefit of trade is a carrot that is held out to encourage movements by countries towards a free and open society. To most effectively continue advocating that countries make these reforms, we must take steps to recognize and reward those efforts to demonstrate the benefits of those actions.

In addition to rising in support of this legislation, I applaud the negotiations on both sides for their work on the bilateral market access agreement reached between the United States and Ukraine on March 6, 2006, just 2 days ago. In particular, I commend the strong protections for intellectual property rights contained in the agreement. For example, the Ukraine has agreed to provide 5 years of data protection for pharmaceuticals and 10 years of data protection for agriculture chemicals.

I applaud both the Ukraine and the United States Trade Representative, Mr. PORTMAN, for this and I continue to

urge the United States Trade Representative to press for intellectual property rights in future agreements, particularly in the discussions with Russia.

Mr. Speaker, Ukraine has made strong commitments in this and many other areas. In addition, the country has made tremendous economic and democratic strides. All of us were thrilled to watch actually on television the Orange Revolution and watch it go forward and watch the freedom, the human spirit, rise up in the Ukraine and come to bring them where they are today.

Because of this and other matters, I urge my colleagues to support permanent and normal trade relations for the Ukraine and vote in favor of this important bill, H.R. 1053.

Mr. NEUGEBAUER. Mr. Speaker, I thank Congressmen HENSARLING and MOORE and Chairmen OXLEY and BACHUS for their efforts to bring H.R. 3505 to the floor today. Regulatory relief is much-needed by our nation's financial institutions, and I am pleased to support this legislation.

Since 1989, federal banking regulators have adopted more than 851 new rules and regulations. Regulatory costs, which total \$38 billion, account for 13 percent of banks' non-interest expenses. It is time for Congress to provide relief.

I am especially concerned about the impact of unnecessary regulations on community banks and small credit unions, which are the types of institutions that serve much of rural West Texas. The regressive burden of regulations has contributed to the decline in the number of community banks and diminished the investments they are able to make in small communities.

H.R. 3505 includes a balance of regulatory relief among all types of financial institutions, and all institutions will benefit from the elimination of annual privacy notices when they do not share information or have not changed their privacy policy. There are provisions in this legislation that provide relief specific to community banks, national banks, credit unions and thrifts.

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 for seasoned customers will save institutions many hours of paperwork and redirect resources to the most useful reports. Focusing resources on transactions that pose the greatest risks benefits law enforcement, financial institutions and citizens.

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 GERLACH, 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 true everyday heroism.

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 regime change.

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) to 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 adhere 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 freedom of the press 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 internationally recognized 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 such increased 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 these 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 are including in trade agreements. However, the WTO does not permit trade on this basis. This makes new entrants 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 oligarchical 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.

#### 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, regularly issues 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 Inter-regional Academy for Personnel Management—accredited by Ukraine's Ministry of Education, with more than 50,000 students enrolled at campuses in various locations. Business, political science and agriculture are among the subjects taught.

The anti-Semitic activities are directed by MAUP's President, Georgy 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 as 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 true will rescue all of us. We are not afraid, 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 at least 2002. MAUP's leading 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 Hassidic 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 declared that his country 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 brutal beating in August of a Yeshiva student in Kiev, who remains hospitalized in Israel in a coma. Following this attack, 30 Ukrainian rabbis declared: "Calls to violence against Judaism and Jews are published in the press, freely distributed and sold. On the walls of synagogues, buildings, bus stops and along the road, anti-Semitic symbols appear more and more often."

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 recognition of MAUP diplomas; 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 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.

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. SHAW. 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.

#### EXPRESSING SUPPORT FOR THE REPUBLIC OF BELARUS TO ESTABLISH A FULL DEMOCRACY

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 673) expressing support for the efforts of the people of the Republic of Belarus to establish a full democracy, the rule of law, and respect for human rights and urging the Government of Belarus to conduct a free and fair Presidential election on March 19, 2006.

The Clerk read as follows:

##### H. RES. 673

Whereas the establishment of a democratic, transparent, and fair election process for the 2006 presidential election in the Republic of Belarus and of a genuinely democratic political system are prerequisites for that country's integration into the Western community of nations;

Whereas the Government of Belarus has accepted numerous specific commitments governing the conduct of elections as a participating State of the Organization for Security and Cooperation in Europe (OSCE), including provisions of the 1990 Copenhagen Document;

Whereas these commitments, which encourage transparency, balance, and impartiality in an election process, have become the standard by which observers determine whether elections have been conducted freely and fairly;

Whereas the election on March 19, 2006, of the next president of Belarus will provide an unambiguous test of the extent of the commitment of the Belarusian authorities to implement these standards and build a democratic society based on free elections and the rule of law;

Whereas previous elections in Belarus have not met international standards;

Whereas the 2004 vote on the constitutional referendum in Belarus did not meet international standards;

Whereas it is the duty of government and public authorities at all levels to act in a manner consistent with all laws and regulations governing election procedures and to ensure free and fair elections throughout the entire country, including preventing activities aimed at undermining the free exercise of political rights;

Whereas a genuinely free and fair election requires a period of political campaigning conducted in an environment in which neither administrative action nor violence, intimidation, or detention hinder the parties, political associations, and the candidates from presenting their views and qualifications to the citizenry, including organizing supporters, conducting public meetings and events throughout the country, and enjoying unimpeded access to television, radio, print, and Internet media on an equal basis;

Whereas a genuinely free and fair election requires that citizens be guaranteed the right and effective opportunity to exercise their civil and political rights, including the right to vote free from intimidation, threats of political retribution, or other forms of coercion by national or local authorities or others;

Whereas a genuinely free and fair election requires the full transparency of laws and regulations governing elections, multiparty representation on election commissions, and unobstructed access by candidates, political parties, and domestic and international observers to all election procedures, including voting and vote-counting in all areas of the country;

Whereas control and manipulation of the media by national and local officials and

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 Unified Democratic Forces and other people involved with the opposition, represents a deliberate assault on the democratic process: Now, therefore, be it

*Resolved*, That the House of Representatives—

(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 nations 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 a full democracy, the rule of law, and respect for human rights in Belarus;

(4) urges the Government of Belarus to guarantee freedom of association and assembly, including the right of candidates, members of political parties, and others to freely assemble, to organize and conduct public events, and to exercise 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 participating States of 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) vigorous prosecution 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 continue to provide assistance to nongovernmental organizations and other Belarusian organizations involved in promoting democracy and fair elections in Belarus; and

(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 rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 673, sponsored by our distinguished colleague from Illinois, Mr. SHIMKUS, expresses support and solidarity for the efforts of the people of Belarus to establish a full democracy, the rule of law and respect for fundamental human rights. It also urges the Government of Belarus to conduct free and fair Presidential elections on March 19.

I would like at the outset to commend 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, any opponents of the government, including youth groups. Perhaps most disturbing are the cases of 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, Mr. Speaker, 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 unregistered 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 along a downward trajectory that began a decade ago when Lukashenko, through an illegitimate referendum, took control over the leg-

islature 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 has led to further clamping down 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 Milinkevych, was held 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.

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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 Tatyana Zavadzka, 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, preelection 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,

and continue to endure, Chernobyl's dark cloud. The Belarusian people deserve the freedom and the dignity long denied them, and Belarus deserves its rightful place in a free, prosperous and democratic Europe.

Mr. Speaker, I reserve the balance of our 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 Nikita Khrushchev blush.

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 last 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 the 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 government's 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 dissemination 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 this nondemocratic 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 for 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 is important that we 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 65 countries in every region of the world.

In Belarus, civic activists have also sought 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 nonpartisan domestic monitors who observed the 2001 presidential poll, and NDI assisted the efforts of more than 3,000 Belarusian nonpartisan monitors for the 2004 parliamentary elections. These monitors acted with integrity and professionalism, although their attempts to register as a nonpartisan election monitoring organization 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 order to monitor the upcoming 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 the 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 monitoring groups and restricting their 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 our time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield as much time as he may consume to the gentleman from Illinois (Mr. SHIMKUS), the author of H. Res. 673, my good friend and colleague.

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

Mr. SHIMKUS. 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 last dictatorship in Europe.

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 claims of who has them. So, really, the basic plea right now is where are they. That is just a symbol of people would not believe that in Europe that we would still have this subversion of freedom and democracy.

So I want to thank the International Relations Committee, of course my good friend and colleague from Illinois, HENRY HYDE, and the ranking member, of course, CHRIS SMITH, who has done such a great job, and Chairman GALLEGLY, who was very helpful to me in moving this legislation because we talk about the issues of freedom a lot on this floor. I think our Founding Fathers would be very proud that we still take up that torch of freedom for all people, and, yeah, we may be accused of being biased to some extent at some time, but we are a human institution, and we need friends on both sides who will call us to account that freedom is good enough for all the countries in Europe and even in the last dictatorship. It is good enough for other areas around the world, and I am one that is not ashamed of standing up for freedom and democracy.

This is a great resolution. It is very timely. As we know, the election is coming, and we have got our fellow freedom fighters being jailed for activities that we take for granted here in the United States. This is right that we send a signal, and I am proud to join you, and I want to thank the ranking member, and I want to thank my colleague, Congressman SMITH, for the opportunity.

Mr. Speaker, I rise today to speak in support of the country of Belarus and their ongoing

struggle for free and fair elections. The last dictator in Europe, Aleksander Lukashenko, rules this country through a combination of intimidation and fear, suppressing the voices and rights of the Belarusian people as they watch their neighbors in Georgia and in the Ukraine rise up and take back their countries to emerge as thriving democracies.

I am proud to be the sponsor of H. Res. 673, along with my colleague Mr. GALLEGLY. This legislation, among many other things, pledges the support of the United States House of Representatives to the Belarusian people, and calls for a free and open election. Unfortunately, as we have seen in many events covered in the past week this will most likely not happen for the Belarusian people on March 19th. Instead the ongoing cycle of violence and intimidation will steal another election for Mr. Lukashenko.

I encourage my colleagues to stand with me in the support of the Belarusian people and keep them in your thoughts and prayers in this difficult time. As President Bush said, "The fate of Belarus will rest not with a dictator, but with the students, trade unionists, civic and religious leaders, journalists, and all citizens of Belarus claiming freedom for their nation." I urge my colleagues to vote in favor of this resolution.

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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 is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 673.

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. 1. Short title; table of contents.

#### TITLE I—NATIONAL BANK PROVISIONS

- Sec. 101. National bank directors.
- Sec. 102. Voting in shareholder elections.
- Sec. 103. Simplifying dividend calculations for national banks.
- Sec. 104. Repeal of obsolete limitation on removal authority of the Comptroller of the Currency.
- Sec. 105. Repeal of intrastate branch capital requirements.
- Sec. 106. Clarification of waiver of publication requirements for bank merger notices.
- Sec. 107. Equal treatment for Federal agencies of foreign banks.
- Sec. 108. Maintenance of a Federal branch and a Federal agency in the same State.
- Sec. 109. 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.

#### TITLE II—SAVINGS ASSOCIATION PROVISIONS

- Sec. 201. Parity for savings associations under the Securities Exchange Act of 1934 and the Investment Advisers Act of 1940.
- 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.



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. Leases of land 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 Management Interlocks 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 evocs.

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. Savings associations 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 individual.

Sec. 604. Amendment permitting 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. Streamlining 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 individual.

Sec. 614. Clarification that 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 under the Gramm-Leach-Bliley Act.

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 monetary transaction recordkeeping and reporting enforcement and examination requirements.

Sec. 703. Additional reforms relating to monetary 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 amendments to the Home Owners' Loan Act.

Sec. 802. Technical corrections to the Federal Credit Union Act.

Sec. 803. Other technical corrections.

Sec. 804. Repeal of obsolete provisions of the Bank Holding Company Act of 1956.

**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,”; and (3) 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 regulation or order, 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) CLERICAL 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”;

(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 5199 of the Revised Statutes of the United States (12 U.S.C. 60) is amended to read as follows:

**SEC. 5199. 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 any preferred stock), unless the Comptroller of the Currency approves the declaration and payment of dividends in excess of such amount.”.

(b) *CLERICAL AMENDMENT*.—The table of sections for chapter three of title LXII of the Revised Statutes of the United States is amended by striking the item relating to section 5199 and inserting the following new item:

“5199. National bank dividends.”.

**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. REPEAL 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 2nd 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. 215(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 or if the shareholders of the association or State bank agree by unanimous action to waive the publication requirement for their respective institutions”.

**SEC. 107. EQUAL TREATMENT FOR FEDERAL AGENCIES OF FOREIGN BANKS.**

The 1st sentence of section 4(d) of the International Banking Act of 1978 (12 U.S.C. 3102(d)) is amended by inserting “from citizens or residents of the United States” after “deposits”.

**SEC. 108. MAINTENANCE OF A FEDERAL BRANCH AND A FEDERAL AGENCY IN THE SAME STATE.**

Section 4(e) of the International Banking Act of 1978 (12 U.S.C. 3102(e)) is amended by inserting “if the maintenance of both an agency and a branch in the State is prohibited under the law of such State” before the period at the end.

**SEC. 109. BUSINESS ORGANIZATION FLEXIBILITY FOR NATIONAL BANKS.**

(a) *IN GENERAL*.—Chapter one of title LXII of the Revised Statutes of the United States (12 U.S.C. 21 et seq.) is amended by inserting after section 5136B the following new section:

**“SEC. 5136C. ALTERNATIVE BUSINESS ORGANIZATION.**

“(a) *IN GENERAL*.—The Comptroller of the Currency may prescribe regulations—

“(1) to permit a national bank to be organized other than as a body corporate; and

“(2) to provide requirements for the organizational characteristics of a national bank organized and operating other than as a body corporate, consistent with the safety and soundness of the national bank.

“(b) *EQUAL TREATMENT*.—Except as provided in regulations prescribed under subsection (a), a national bank that is operating other than as a body corporate shall have the same rights and privileges and shall be subject to the same duties, restrictions, penalties, liabilities, conditions, and limitations as a national bank that is organized as a body corporate.”.

(b) *TECHNICAL AND CONFORMING AMENDMENT*.—Section 5136 of the Revised Statutes of the United States (12 U.S.C. 24) is amended, in the matter preceding the paragraph designated as the “First”, by inserting “or other form of business organization provided under regulations prescribed by the Comptroller of the Currency under section 5136C” after “a body corporate”.

(c) *CLERICAL 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 inserting after the item relating to section 5136B the following new item: “5136C. Alternative business organization.”.

**SEC. 110. CLARIFICATION OF THE MAIN PLACE OF BUSINESS OF A NATIONAL BANK.**

Title LXII of the Revised Statutes of the United States is amended—

(1) in the paragraph designated the “Second” of section 5134 (12 U.S.C. 22), by striking “The place where its operations of discount and deposit are to be carried on” and inserting “The place where the main office of the national bank is, or is to be, located”; and

(2) in section 5190 (12 U.S.C. 81), by striking “the place specified in its organization certificate” and inserting “the main office of the national bank”.

**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:

“(g) *CAPITAL EQUIVALENCY DEPOSIT*.—

“(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 for the protection of depositors and other investors and to be consistent with the principles of safety and soundness.

“(2) *LIMITATION*.—Notwithstanding paragraph (1), regulations prescribed 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 the “Eleventh.” of section 5136 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 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*.—

(1) *DEFINITION OF BANK*.—Section 3(a)(6) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(6)) is amended—

(A) in subparagraph (A), by inserting “or a Federal savings association, as defined in section 2(5) of the Home Owners’ Loan Act” after “a banking institution organized under the laws of the United States”; and

(B) in subparagraph (C)—

(i) by inserting “or savings association as defined in section 2(4) of the Home Owners’ Loan Act,” after “banking institution,”; and

(ii) by inserting “or savings associations” after “having supervision over banks”.

(2) *INCLUDE OTS UNDER THE DEFINITION OF APPROPRIATE REGULATORY AGENCY FOR CERTAIN PURPOSES*.—Section 3(a)(34) of such Act (15 U.S.C. 78c(a)(34)) is amended—

(A) in subparagraph (A)—

(i) in clause (ii), by striking “(i) or (iii)” and inserting “(i), (iii), or (iv)”;

(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 (iii):

“(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 subsidiary or a department or division of any such savings association, or a savings and loan holding company; and”;

(B) in subparagraph (B)—

(i) in clause (ii), by striking “(i) or (iii)” and inserting “(i), (iii), or (iv)”;

(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 (iii):

“(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, or a subsidiary of any such savings association, or a savings and loan holding company; and”;

(C) in subparagraph (C)—

(i) in clause (ii), by striking “(i) or (iii)” and inserting “(i), (iii), or (iv)”;

(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 (iii):

“(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 of a savings and loan holding company when the appropriate regulatory agency for such clearing agency is not the Commission; and”;

(D) in subparagraph (D)—

(i) by striking “and” at the end of clause (ii);

(ii) by redesignating clause (iii) as clause (iv); 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”;

(E) in subparagraph (F)—

(i) by redesignating clauses (ii), (iii), and (iv) as clauses (iii), (iv), and (v), respectively; and

(ii) by inserting the following new clause after clause (i):

“(ii) 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 moving subparagraph (H) and inserting such subparagraph after subparagraph (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. 1467a(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(a)(2)) is amended—

(A) in subparagraph (A) by inserting "or a Federal savings association, as defined in section 2(5) of the Home Owners' Loan Act" after "a banking institution organized under the laws of the United States"; and

(B) in subparagraph (C)—

(i) by inserting ", savings association as defined in section 2(4) of the Home Owners' Loan Act," after "banking institution"; and

(ii) by inserting "or savings associations" after "having supervision over banks".

(2) CONFORMING AMENDMENTS.—Subsections (a)(1)(A)(i), (a)(1)(B), (a)(2), and (b) of section 210A 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".

(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-10(c)), as amended by section 213(c) of the Gramm-Leach-Bliley Act, is amended by inserting after "1956)" the following: "or 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(c)(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.—

"(i) 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.

"(ii) DIRECT INVESTMENTS OR ACQUISITION OF INTEREST IN OTHER COMPANIES.—Investments under clause (i) may be made directly or by purchasing interests in an entity primarily engaged in making such investments.

"(iii) PROHIBITION ON UNLIMITED LIABILITY.—No investment may be made under this subparagraph which would subject a Federal savings association to unlimited liability to any person.

"(iv) 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 any savings association may invest in any 1 project; and

"(II) the aggregate amount of investment of any savings association under this subparagraph.

"(v) 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 5 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 order, that the aggregate amount of investments in a higher amount than the limit under this clause will pose no significant risk to the affected deposit insurance fund.

"(vi) 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 a Federal savings association acquires or retains under this subparagraph shall be taken into account for purposes of the limitation contained in section 28(d) of the Federal Deposit Insurance Act on the acquisition and retention of any corporate debt security not of investment grade."

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 5(c)(3)(A) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(3)(A)) is amended to read as follows:

"(A) [Repealed]."

**SEC. 203. MERGERS AND CONSOLIDATIONS OF FEDERAL SAVINGS ASSOCIATIONS WITH NONDEPOSITORY INSTITUTION AFFILIATES.**

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.—

"(i) IN GENERAL.—Upon the approval of the Director, a Federal savings association may merge with any nondepository institution affiliate of the savings association.

"(ii) RULE OF CONSTRUCTION.—No provision of clause (i) shall be construed as—

"(I) affecting the applicability of section 18(c) of the Federal Deposit Insurance Act; or

"(II) 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 provision of law."

**SEC. 204. REPEAL OF STATUTORY DIVIDEND NOTICE REQUIREMENT FOR SAVINGS ASSOCIATION SUBSIDIARIES OF SAVINGS AND LOAN HOLDING COMPANIES.**

Section 10(f) of the Home Owners' Loan Act (12 U.S.C. 1467a(f)) 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 ASSOCIATIONS.**

(a) IN GENERAL.—Section 10(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 individuals living on the effective date of the trust," after "or similar organization,".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 10(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 "any company by virtue" where such term appears in subparagraph (A) and inserting "does not include any company by virtue";

(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(t) of the Home Owners' Loan Act (12 U.S.C. 1464(t)) is amended—

(1) by striking paragraph (4) and inserting the following new paragraph:

"(4) [Repealed]."; and

(2) in paragraph (9)(A), by striking "intangible assets, plus" and 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 5 percent of 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 10(m)(4)(C)(ii) of the Home Owners' Loan Act (12 U.S.C. 1467a(m)(4)(C)(ii)) is amended by adding at the end the following new subclause:

"(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:

"(4) 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 individual who is an agent of 1 Federal savings association (as such term is defined in section 2(5) of the Home Owners' Loan Act (12 U.S.C. 1462(5)) in selling or offering deposit (as such term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813(1)) 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—

"(A) accept deposits or make withdrawals on behalf of any customer of the association;

"(B) 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(z) of the Federal Deposit Insurance Act (12 U.S.C. 1813(z)), the National Credit Union Administration, or any officer, agency, or other entity of any State which has primary regulatory authority over State banks, State savings associations, or State credit unions;

"(C) 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)));

"(D) 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 FIDUCIARY SERVICES.**

Section 5(n) of the Home Owners' Loan Act (12 U.S.C. 1464(n)) is amended by adding at the end the following new paragraph:

“(11) FUNERAL- AND CEMETERY-RELATED FIDUCIARY SERVICES.—

“(A) IN GENERAL.—A funeral director or cemetery 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 savings association, regardless of where the association is located, to act in any fiduciary capacity in which the savings association has the right to act in accordance with this section, including holding funds deposited in trust or escrow by the funeral director or cemetery operator (or by such other party), and the savings association may act in such fiduciary capacity on behalf of the funeral director or cemetery operator (or such other person).

“(B) DEFINITIONS.—For purposes of this paragraph, the following definitions shall apply:

“(i) CEMETERY.—The term ‘cemetery’ means any land or structure used, or intended to be used, for the interment of human remains in any form.

“(ii) CEMETERY OPERATOR.—The term ‘cemetery operator’ means any person who contracts or accepts payment for merchandise, endowment, or perpetual care services in connection with a cemetery.

“(iii) FUNERAL DIRECTOR.—The term ‘funeral director’ means any person who contracts or accepts payment to provide or arrange—

“(I) services for the final disposition of human remains; or

“(II) funeral services, property, or merchandise (including cemetery services, property, or merchandise).”.

**SEC. 211. REPEAL OF QUALIFIED THRIFT LENDER REQUIREMENT WITH RESPECT TO OUT-OF-STATE BRANCHES.**

Section 5(r)(1) of the Home Owners' Loan Act (12 U.S.C. 1464(r)(1)) is amended by striking the last sentence.

**SEC. 212. SMALL BUSINESS AND OTHER COMMERCIAL 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 by inserting after subparagraph (V) (as added by section 208 of this title) the following new subparagraph:

“(W) SMALL BUSINESS LOANS.—Small business loans, as defined in regulations which the Director 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. CLARIFYING CITIZENSHIP OF FEDERAL SAVINGS ASSOCIATIONS FOR FEDERAL 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:

“(x) HOME STATE CITIZENSHIP.—In determining whether a Federal court has diversity jurisdiction over a case in which a Federal savings association is a party, the Federal savings association 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 business (if the principal place of business is in a different State than the home office).”.

**SEC. 214. INCREASE IN LIMITS ON COMMERCIAL REAL ESTATE 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(u)(2) of the Home Owners' Loan Act (12 U.S.C. 1464(u)(2)(A)) is amended—

(1) by striking subclause (I) of clause (ii);

(2) by redesignating subclauses (II), (III), (IV), and (V) of clause (ii) as subclauses (I), (II), (III), and (IV), respectively;

(3) in clause (i)—

(A) by striking “for any” and inserting “For any”; and

(B) by striking “; or” and inserting a period; and

(4) in clause (ii), by striking “to develop domestic” and inserting “To develop domestic”.

**SEC. 216. SAVINGS ASSOCIATION CREDIT CARD BANKS.**

Section 10(a)(1)(A) of the Home Owners' Loan Act (12 U.S.C. 1467a(a)(1)(A)) is amended by inserting “and such term does not include an institution 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)(i), and (e)(3)” before the period at the end.

**SEC. 217. INTERSTATE ACQUISITIONS BY S&L HOLDING COMPANIES.**

Section 10(e)(3) of the Home Owners' Loan Act (12 U.S.C. 1467a(e)(3)) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as subparagraphs (B), (C), and (D), respectively; and

(2) by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

“(A) such acquisition would be permissible under section 3(d) of the Bank Holding Company Act of 1956 if the savings and loan holding company were a bank holding company and any savings association to be acquired were a bank.”.

**SEC. 218. BUSINESS ORGANIZATION FLEXIBILITY FOR FEDERAL SAVINGS ASSOCIATIONS.**

(a) IN GENERAL.—Section 5 of the Home Owners' Loan Act (12 U.S.C. 1464) is amended by inserting after subsection (x) (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 organizational characteristics of a Federal savings association organized and operating other than as a corporation, consistent with the safety and soundness of the Federal savings association.

“(2) EQUAL TREATMENT.—Except as otherwise provided in regulations prescribed under subsection (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, penalties, liabilities, conditions, and limitations as a Federal savings association that is organized as a corporation.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(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 striking “incorporated” and inserting “organized”.

(3) Section 5(o)(1) of the Home Owners' Loan Act (12 U.S.C. 1464(o)(1)) is amended by striking “organization, incorporation,” and inserting “organization (as a corporation or other form of business organization provided under regula-

tions prescribed by the Director under subsection (x)).”.

**TITLE III—CREDIT UNION PROVISIONS**

**SEC. 301. PRIVATELY INSURED CREDIT UNIONS AUTHORIZED TO 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(e)(1) of the Federal Deposit Insurance Act and subject to the requirements of subparagraph (B), to meet all eligibility requirements for Federal deposit insurance shall be treated as an insured depository institution for purposes of determining the eligibility of such credit union for membership in a Federal home loan bank under paragraphs (1), (2), and (3).

“(B) CERTIFICATION BY APPROPRIATE SUPERVISOR.—

“(i) IN GENERAL.—For purposes of this paragraph 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 meeting all the eligibility requirements for Federal deposit insurance only if the appropriate supervisor of the State in which the credit union is chartered 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) applies, the appropriate supervisor of the State in which such credit union is chartered 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 conservator or liquidating agent of a credit union to repudiate contracts, no such provision shall apply with respect to—

“(i) 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 paragraph; or

“(ii) any security interest in the assets of such credit union securing any such extension of credit.”.

(b) COPIES OF AUDITS OF PRIVATE INSURERS OF CERTAIN DEPOSITORY INSTITUTIONS REQUIRED TO BE PROVIDED TO SUPERVISORY AGENCIES.—Section 43(a)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1831t(a)(2)) is amended—

(1) by striking “and” at the end of subparagraph (A)(i);

(2) by striking the period at the end of clause (ii) of subparagraph (A) and inserting a semicolon;

(3) by inserting the following new clauses at the end of subparagraph (A):

“(iii) in the case of depository institutions described in subsection (f)(2)(A) the deposits of which are insured by the private insurer, the National Credit Union Administration, not later than 7 days after that audit is completed; and

“(iv) in the case of depository institutions described in subsection (f)(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.”; and

(4) by adding at the end the following new subparagraph:

“(C) CONSULTATION.—The appropriate supervisory agency of each State in which a private deposit insurer insures deposits in an institution described in subsection (f)(2)(A) which—

“(i) lacks Federal deposit insurance; and

“(ii) has become a member of a Federal home loan bank,

shall provide the National Credit Union Administration, upon request, with the results of any examination and reports related thereto concerning the private deposit insurer to which such agency may have in its possession.”.

**SEC. 302. LEASES OF LAND ON FEDERAL FACILITIES 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 other 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 jurisdiction 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”;

(4) by inserting “or the facility built on the lease land” after “credit union to be served by the allotment of space”.

(b) CLERICAL AMENDMENT.—The heading for section 124 is amended by inserting “OR FEDERAL 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”;

(2) by adding at the end the following new subsection:

“(b) ADDITIONAL INVESTMENT AUTHORITY.—

“(1) IN GENERAL.—In addition to any investments otherwise authorized, a Federal credit union may purchase and hold for its own account such investment securities of investment grade as the Board may authorize by regulation, 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 securities 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 assets of the credit union.

“(3) INVESTMENT SECURITY DEFINED.—

“(A) IN GENERAL.—For purposes of this subsection, the term ‘investment security’ means marketable obligations evidencing the indebtedness 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 investment security purchased by a credit union for its own account, an investment security that at the time of such purchase is rated in one of the 4 highest rating categories by at least 1 nationally recognized statistical rating organization.

“(5) CLARIFICATION OF PROHIBITION ON STOCK OWNERSHIP.—No provision of this subsection shall be construed as authorizing a Federal credit union to purchase shares of stock of any corporation for the credit union’s own account, except as otherwise permitted by law.”.

**SEC. 304. INCREASE IN GENERAL 12-YEAR LIMITATION OF TERM OF FEDERAL CREDIT UNION LOANS TO 15 YEARS.**

Section 107(a)(5) of the Federal Credit Union Act (12 U.S.C. 1757(5)) (as so designated by section 303 of this title) is amended—

(1) in the matter preceding subparagraph (A), by striking “to make loans, the maturities of which shall not exceed twelve years except as otherwise provided herein” and inserting “to make loans, the maturities of which shall not exceed 15 years or any longer maturity as the Board may allow, in regulations, except as otherwise provided in this Act”;

(2) in subparagraph (A)—

(A) by striking clause (ii);

(B) by redesignating clauses (iii) through (x) as clauses (ii) through (ix), respectively; and

(C) 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 ORGANIZATIONS.**

Section 107(a)(7)(I) of the Federal Credit Union Act (12 U.S.C. 1757(7)(I)) (as so designated by section 303 of this title) is amended by striking “up to 1 per centum of the total paid” and inserting “up to 3 percent of the total paid”.

**SEC. 306. MEMBER BUSINESS LOAN EXCLUSION FOR LOANS TO NONPROFIT RELIGIOUS ORGANIZATIONS.**

Section 107A(a) of the Federal Credit Union Act (12 U.S.C. 1757A(a)) is amended by inserting “, excluding loans made to nonprofit religious organizations,” after “total amount of such loans”.

**SEC. 307. CHECK CASHING AND MONEY TRANSFER SERVICES OFFERED WITHIN THE FIELD OF MEMBERSHIP.**

Paragraph (12) of section 107(a) of the Federal Credit Union Act (12 U.S.C. 1757(12)) (as so designated by section 303 of this title) is amended to read as follows:

“(12) in accordance with regulations prescribed by the Board—

“(A) to sell, to persons in the field of membership, negotiable checks (including travelers 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 receive international and domestic electronic fund transfers for persons in the field of membership for a fee.”.

**SEC. 308. VOLUNTARY MERGERS INVOLVING MULTIPLE 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 subparagraph (C) and inserting “; or”;

(3) by adding at the end the following new subparagraph:

“(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 CONTINUED MEMBERSHIP OF CERTAIN MEMBER GROUPS IN COMMUNITY CHARTER CONVERSIONS.—In the case of a voluntary conversion of a common-bond credit union described in paragraph (1) or (2) of subsection (b) into a community credit union described in subsection (b)(3), the Board shall prescribe, by regulation, the criteria under which the Board may determine that a member group or other portion of a credit union’s existing membership, that is located outside the well-defined local community, neighborhood, or rural district that shall constitute the community charter, can be satisfactorily served by the credit union and remain

within the community credit union’s field of membership.”.

**SEC. 310. CREDIT UNION GOVERNANCE.**

(a) EXPULSION OF MEMBERS FOR JUST CAUSE.—Subsection (b) of section 118 of the Federal Credit Union Act (12 U.S.C. 1764(b)) is amended to read as follows:

“(b) POLICY AND ACTIONS OF BOARDS OF DIRECTORS OF FEDERAL CREDIT UNIONS.—

“(1) EXPULSION OF MEMBERS FOR NONPARTICIPATION 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 directors, based on just cause, including disruption of credit union operations, or on nonparticipation by a member in the affairs of the credit union.

“(2) WRITTEN NOTICE OF POLICY TO MEMBERS.—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 applying for membership.”.

(b) TERM LIMITS AUTHORIZED FOR BOARD MEMBERS OF FEDERAL CREDIT UNIONS.—Section 111(a) 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 Federal Credit Union Act (12 U.S.C. 1761(c)) is amended by inserting “, including lost wages,” after “the reimbursement of reasonable expenses”.

**SEC. 311. PROVIDING THE NATIONAL CREDIT UNION ADMINISTRATION WITH GREATER FLEXIBILITY IN RESPONDING TO MARKET CONDITIONS.**

Section 107(a)(5)(A)(v)(I) of the Federal Credit Union Act (12 U.S.C. 1757(5)(A)(v)(I)) (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 levels” and inserting “6-month period or that prevailing interest rate levels”.

**SEC. 312. EXEMPTION FROM PRE-MERGER NOTIFICATION 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 205(b)(3) of the Federal Credit Union Act (12 U.S.C. 1785(b)(3)),” before “or section 3”.

**SEC. 313. TREATMENT OF CREDIT UNIONS AS DEPOSITORY INSTITUTIONS UNDER SECURITIES LAWS.**

(a) DEFINITION OF BANK UNDER THE SECURITIES EXCHANGE ACT OF 1934.—Section 3(a)(6) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(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, (D) 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 applicable laws to which such credit unions are subject, and (E) a receiver”; and

(2) in subparagraph (E) (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 INVESTMENT ADVISERS ACT OF 1940.—Section 202(a)(2) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(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"; and

(2) in subparagraph (E) (as so redesignated by paragraph (1) of this subsection) by striking "(A), (B), or (C)" and inserting "(A), (B), (C), or (D)".

(c) DEFINITION OF APPROPRIATE FEDERAL BANKING AGENCY.—Section 210A(c) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-10a(c)) is amended by inserting "and includes 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. 314. CLARIFICATION OF DEFINITION OF NET WORTH UNDER CERTAIN CIRCUMSTANCES FOR PURPOSES OF PROMPT CORRECTIVE ACTION.**

Subparagraph (A) of section 216(o)(2) of the Federal Credit Union Act (12 U.S.C. 1790d(o)(2)(A)) is amended—

(1) by inserting "the" before "retained earnings balance"; and

(2) by inserting ", together with any amounts that were previously retained earnings of any other credit union with which the credit union has combined" before the semicolon at the end.

**SEC. 315. AMENDMENTS RELATING TO NONFEDERALLY INSURED CREDIT UNIONS.**

(a) IN GENERAL.—Subsection (a) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831(a)) is amended by adding at the end the following new paragraph:

"(3) ENFORCEMENT BY APPROPRIATE STATE SUPERVISOR.—Any appropriate State supervisor of a private deposit insurer, and any appropriate State supervisor of a depository institution which receives deposits that are insured by a private deposit insurer, may examine and enforce compliance with this subsection under the applicable regulatory authority of such supervisor."

(b) AMENDMENT RELATING TO DISCLOSURES REQUIRED, PERIODIC STATEMENTS AND ACCOUNT RECORDS.—Section 43(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1831(b)(1)) is amended by striking "or similar instrument evidencing a deposit" and inserting "or share certificate".

(c) AMENDMENTS RELATING TO DISCLOSURES REQUIRED, ADVERTISING, PREMISES.—Section 43(b)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1831(b)(2)) is amended to read as follows:

"(2) ADVERTISING; PREMISES.—

"(A) IN GENERAL.—Include clearly and conspicuously in all advertising, except as provided in subparagraph (B); and at each station or window where deposits are normally received, its principal place of business and all its branches where it accepts deposits or opens accounts (excluding automated teller machines or point of sale terminals), and on its main Internet page, a notice that the institution is not federally insured.

"(B) EXCEPTIONS.—The following need not include a notice that the institution is not federally insured:

"(i) Statements or reports of financial condition of the depository institution that are required to be published or posted by State or Federal law or regulation.

"(ii) Any sign, document, or other item that contains the name of the depository institution, its logo, or its contact information, but only if the sign, document, or item does not include any information about the institution's products or services or information otherwise promoting the institution.

"(iii) Small utilitarian items that do not mention deposit products or insurance if inclusion of the notice would be impractical."

(d) AMENDMENTS RELATING TO ACKNOWLEDGMENT OF DISCLOSURE.—Section 43(b)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1831(b)(3)) is amended to read as follows:

"(3) ACKNOWLEDGMENT OF DISCLOSURE.—

"(A) NEW DEPOSITORS OBTAINED OTHER THAN THROUGH A CONVERSION OR MERGER.—With respect to any depositor who was not a depositor at the depository institution before the effective date of the Financial Services Relief Act of 2005, and who is not a depositor as described in subparagraph (B), receive any deposit for the account of such depositor only if the depositor has signed a written acknowledgement that—

"(i) the institution is not federally insured; and

"(ii) if the institution fails, the Federal Government does not guarantee that the depositor will get back the depositor's money.

"(B) NEW DEPOSITORS OBTAINED THROUGH A CONVERSION OR MERGER.—With respect to a depositor at a federally insured depository institution that converts to, or merges into, a depository institution lacking federal insurance after the effective date of the Financial Services Regulatory Relief Act of 2005, receive any deposit for the account of such depositor only if—

"(i) the depositor has signed a written acknowledgement described in subparagraph (A); or

"(ii) the institution makes an attempt, as described in subparagraph (D) and sent by mail no later than 45 days after the effective date of the conversion or merger, to obtain the acknowledgement.

"(C) CURRENT DEPOSITORS.—Receive any deposit after the effective date of the Financial Services Regulatory Relief Act of 2005 for the account of any depositor who was a depositor on that date only if—

"(i) the depositor has signed a written acknowledgement described in subparagraph (A); or

"(ii) the institution makes an attempt, as described in subparagraph (D) and sent by mail no later than 45 days after the effective date of the Financial Services Regulatory Relief Act of 2005, to obtain the acknowledgement.

"(D) ALTERNATIVE PROVISION OF NOTICE TO CURRENT DEPOSITORS AND NEW DEPOSITORS OBTAINED THROUGH A CONVERSION OR MERGER.—

"(i) IN GENERAL.—Transmit to each depositor who has not signed a written acknowledgement described in subparagraph (A)—

"(I) a conspicuous card containing the information described in clauses (i) and (ii) of subparagraph (A), and a line for the signature of the depositor; and

"(II) accompanying materials requesting the depositor to sign the card, and return the signed card to the institution."

(e) REPEAL OF PROVISION PROHIBITING NON-DEPOSITORY INSTITUTIONS FROM ACCEPTING DEPOSITS.—Section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831) is amended—

(1) by striking subsection (e); and

(2) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(f) REPEAL OF PROVISION CONCERNING NON-DEPOSITORY INSTITUTIONS MASQUERADING AS DEPOSITORY INSTITUTIONS AND CLARIFICATION OF DEPOSITORY INSTITUTIONS COVERED BY THE STATUTE.—Subsection (e)(2) (as so redesignated by subsection (e) of this section) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831) is amended to read as follows:

"(2) DEPOSITORY INSTITUTION.—The term 'depository institution'—

"(A) includes any entity described in section 19(b)(1)(A)(iv) of the Federal Reserve Act; and

"(B) does not include any national bank, State member bank, or Federal branch."

(g) REPEAL OF FTC AUTHORITY TO ENFORCE INDEPENDENT AUDIT REQUIREMENT; CONCURRENT STATE ENFORCEMENT.—Subsection (f) (as so redesignated by subsection (e) of this section) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831) is amended to read as follows:

"(f) 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.

"(2) BROAD STATE ENFORCEMENT AUTHORITY.—

"(A) 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.

"(B) 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 for a violation of this section, no 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 INSTITUTION PROVISIONS**

**SEC. 401. EASING RESTRICTIONS ON INTERSTATE BRANCHING AND MERGERS.**

(a) DE NOVO INTERSTATE BRANCHES OF NATIONAL BANKS.—

(1) IN GENERAL.—Section 5155(g)(1) of the Revised Statutes of the United States (12 U.S.C. 36(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."

(2) CLERICAL AMENDMENT.—The heading for subsection (g) of section 5155 of the Revised Statutes of the United States is amended by striking "STATE 'OPT-IN' ELECTION TO PERMIT".

(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."

(2) INTERSTATE BRANCHING BY SUBSIDIARIES OF COMMERCIAL FIRMS PROHIBITED.—Section 18(d)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1828(d)(3)) is amended by adding at the end the following new subparagraph:

"(C) INTERSTATE BRANCHING BY SUBSIDIARIES OF COMMERCIAL FIRMS PROHIBITED.—

"(i) IN GENERAL.—If the appropriate State bank supervisor of the home State of any industrial loan company, industrial bank, or other institution described in section 2(c)(2)(H) of the Bank Holding Company Act of 1956, or the appropriate State bank supervisor of any host State with respect to such company, bank, or institution, determines that such company, bank, or institution is controlled, directly or indirectly, by a commercial firm, such company, bank, or institution may not acquire, establish, or operate a branch in such host State.

"(ii) COMMERCIAL FIRM DEFINED.—For purposes of this subsection, the term 'commercial firm' means any entity at least 15 percent of the annual gross revenues of which on a consolidated basis, including all affiliates of the entity, were derived from engaging, on an on-going basis, in activities that are not financial in nature or incidental to a financial activity during at least 3 of the prior 4 calendar quarters.

"(iii) GRANDFATHERED INSTITUTIONS.—Clause (i) shall not apply with respect to any industrial loan company, industrial bank, or other institution described in section 2(c)(2)(H) of the Bank Holding Company Act of 1956—



“(I) which became an insured depository institution before October 1, 2003 or pursuant to an application for deposit insurance which was approved by the Corporation before such date; and

“(II) with respect to which there is no change in control, directly or indirectly, of the company, bank, or institution after September 30, 2003, that requires an application under subsection (c), section 7(j), section 3 of the Bank Holding Company Act of 1956, or section 10 of the Home Owners’ Loan Act.

“(iv) TRANSITION PROVISION.—Any divestiture required under this subparagraph of a branch in a host State shall be completed as quickly as is reasonably possible.

“(v) CORPORATE REORGANIZATIONS PERMITTED.—The acquisition of direct or indirect control of the company, bank, or institution referred to in clause (iii)(II) shall not be treated as a ‘change in control’ for purposes of such clause if the company acquiring control is itself directly or indirectly controlled by a company that was an affiliate of such company, bank, or institution on the date referred to in clause (iii)(II), and remained an affiliate at all times after such date.”

(3) TECHNICAL 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)”; and

(B) in subparagraphs (D) and (E), by striking “The term” and inserting “For purposes of this subsection, the term”.

(4) CLERICAL AMENDMENT.—The heading for paragraph (4) of section 18(d) of the Federal Deposit Insurance Act is amended by striking “STATE ‘OPT-IN’ ELECTION TO PERMIT INTERSTATE” and inserting “INTERSTATE”.

(c) DE NOVO INTERSTATE BRANCHES OF STATE MEMBER BANKS.—The 3rd undesignated paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 321) is amended by adding at the end the following new sentences: “A State member bank may establish and operate a de novo branch in a host State (as such terms are defined in section 18(d) of the Federal Deposit Insurance Act) on the same terms and conditions and subject to the same limitations and restrictions as are applicable to the establishment of a de novo branch of a national bank in a host State under section 5155(g) of the Revised Statutes of the United States or are applicable to an insured State nonmember bank under section 18(d)(3) of the Federal Deposit Insurance Act”. Such section 5155(g) shall be applied for purposes of the preceding sentence by substituting ‘Board of Governors of the Federal Reserve System’ for ‘Comptroller of the Currency’ and ‘State member bank’ for ‘national bank’.”

(d) INTERSTATE MERGER OF BANKS.—

(1) MERGER OF INSURED BANK WITH ANOTHER DEPOSITORY INSTITUTION OR TRUST COMPANY.—Section 44(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(a)(1)) is amended—

(A) by striking “Beginning on June 1, 1997, the” and inserting “The”; and

(B) by striking “insured banks with different home States” and inserting “an insured bank and another insured depository institution or trust company with a different home State than the resulting insured bank”.

(2) NATIONAL BANK TRUST COMPANY MERGER WITH OTHER TRUST COMPANY.—Subsection (b) of section 4 of the National Bank Consolidation and Merger Act (12 U.S.C. 215a-1(b)) is amended to read as follows:

“(b) MERGER OF NATIONAL BANK TRUST COMPANY WITH ANOTHER TRUST COMPANY.—A national bank that is a trust company may engage in a consolidation or merger under this Act with any trust company with a different home State, under the same terms and conditions that would apply if the trust companies were located within the same State.”

(e) INTERSTATE FIDUCIARY ACTIVITY.—Section 18(d) of the Federal Deposit Insurance Act (12 U.S.C. 1828(d)) is amended by adding at the end the following new paragraph:

“(5) INTERSTATE FIDUCIARY ACTIVITY.—

“(A) AUTHORITY OF STATE BANK SUPERVISOR.—The State bank supervisor of a State bank may approve an application by the State bank, when not in contravention of home State or host State law, to act as trustee, executor, administrator, registrar of stocks and bonds, guardian of estates, assignee, receiver, committee of estates of lunatics, or in any other fiduciary capacity in a host State in which State banks or other corporations which come into competition with national banks are permitted to act under the laws of such host State.

“(B) NONCONTRAVENTION OF HOST STATE LAW.—Whenever the laws of a host State 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 contravention of host State law within the meaning of this paragraph.

“(C) STATE BANK INCLUDES TRUST COMPANIES.—For purposes of this paragraph, the term ‘State bank’ includes any State-chartered trust company (as defined in section 44(g)).

“(D) OTHER DEFINITIONS.—For purposes of this paragraph, the term ‘home State’ and ‘host State’ have the meanings given such terms in section 44.”

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 44 of the Federal Deposit Insurance Act (12 U.S.C. 1831u) is amended—

(A) in subsection (a)—

(i) by striking paragraph (4) and inserting the following new paragraph:

“(4) TREATMENT OF BRANCHES IN CONNECTION WITH CERTAIN INTERSTATE MERGER TRANSACTIONS.—In the case of an interstate merger transaction which involves the acquisition of a branch of an insured depository institution or trust company without the acquisition of the insured depository institution or trust company, the branch shall be treated, for purposes of this section, as an insured depository institution or trust company the home State of which is the State in which the branch is located.”; and

(ii) by striking paragraphs (5) and (6) and inserting the following new paragraph:

“(5) APPLICABILITY TO INDUSTRIAL LOAN COMPANIES.—No provision of this section shall be construed as authorizing the approval of any transaction involving a industrial loan company, industrial bank, or other institution described in section 2(c)(2)(H) of the Bank Holding Company Act of 1956, or the acquisition, establishment, or operation of a branch by any such company, bank, or institution, that is not allowed under section 18(d)(3).”

(B) in subsection (b)—

(i) by striking “bank” each place such term appears in paragraph (2)(B)(i) and inserting “insured depository institution”; and

(ii) by striking “banks” where such term appears in paragraph (2)(E) and inserting “insured depository institutions or trust companies”;

(iii) by striking “bank affiliate” each place such term appears in that portion of paragraph (3) that precedes subparagraph (A) and inserting “insured depository institution affiliate”;

(iv) by striking “any bank” where such term appears in paragraph (3)(B) and inserting “any insured depository institution”;

(v) by striking “bank” where such term appears in paragraph (4)(A) and inserting “insured depository institution and trust company”; and

(vi) by striking “all banks” where such term appears in paragraph (5) and inserting “all insured depository institutions and trust companies”;

(C) in subsection (d)(1), by striking “any bank” and inserting “any insured depository institution or trust company”;

(D) in subsection (e)—

(i) by striking “1 or more banks” and inserting “1 or more insured depository institutions”; and

(ii) by striking “paragraph (2), (4), or (5)” and inserting “paragraph (2)”; and

(E) by striking clauses (i) and (ii) of subsection (g)(4)(A) and inserting the following new clauses:

“(i) with respect to a national bank or Federal savings association, the State in which the main office of the bank or savings association is located; and

“(ii) with respect to a State bank, State savings association, or State-chartered trust company, the State by which the bank, savings association, or trust company is chartered; and”;

(F) by striking paragraph (5) of subsection (g) and inserting the following new paragraph:

“(5) HOST STATE.—The term ‘host State’ means—

“(A) with respect to a bank, a State, other than the home State of the bank, in which the bank maintains, or seeks to establish and maintain, a branch; and

“(B) with respect to a trust company and solely for purposes of section 18(d)(5), a State, other than the home State of the trust company, in which the trust company acts, or seeks to act, in 1 or more fiduciary capacities.”;

(G) in subsection (g)(10), by striking “section 18(c)(2)” and inserting “paragraph (1) or (2) of section 18(c), as appropriate.”; and

(H) in subsection (g), by adding at the end the following new paragraph:

“(12) TRUST COMPANY.—The term ‘trust company’ means—

“(A) any national bank;

“(B) any savings association; and

“(C) any bank, banking association, trust company, savings bank, or other banking 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 (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 “subparagraph (B) or (D)” and inserting “subparagraph (B)”.

(3) Subsection (c) of section 4 of the National Bank Consolidation and Merger Act (12 U.S.C. 215a-1(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 44(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. 1831u(b)(2)(E)) is amended by striking “BANKS” and inserting “INSURED DEPOSITORY INSTITUTIONS AND TRUST COMPANIES”.

(2) The heading for section 44(e) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(e)) is amended by striking “BANKS” and inserting “INSURED DEPOSITORY INSTITUTIONS”.

**SEC. 402. STATUTE 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:

“**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 30 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. 1821(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 30 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, or 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 (regardless of how such appointment was made), 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 “10 days” and inserting “30 days”.

(d) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall apply with respect to conservators, receivers, or liquidating agents appointed on or after the date of the enactment of this Act.

**SEC. 403. REPORTING REQUIREMENTS RELATING TO INSIDER LENDING.**

(a) REPORTING REQUIREMENTS REGARDING LOANS TO EXECUTIVE OFFICERS OF MEMBER BANKS.—Section 22(g) of the Federal Reserve Act (12 U.S.C. 375a) is amended—

(1) by striking paragraphs (6) and (9); and  
(2) by redesignating paragraphs (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 106(b)(2) of the Bank Holding Company Act Amendments of 1970 (12 U.S.C. 1972(2)) 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 EXCEPTION UNDER THE DEPOSITORY INSTITUTION MANAGEMENT INTERLOCKS 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 “\$100,000,000”.

**SEC. 405. ENHANCING THE SAFETY AND SOUNDNESS 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:

**“SEC. 49. ENFORCEMENT OF AGREEMENTS.**

“(a) IN GENERAL.—Notwithstanding clause (i) or (ii) of section 8(b)(6)(A) or section 38(e)(2)(E)(i), an appropriate 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, notice, 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.”

(b) PROTECTION OF CAPITAL OF INSURED DEPOSITORY INSTITUTIONS.—Paragraph (1) of section 18(u) of the Federal Deposit Insurance Act (12 U.S.C. 1828(u)) is amended by striking subparagraph (B) and by redesignating subparagraph (C) as subparagraph (B).

**SEC. 406. INVESTMENTS BY INSURED SAVINGS ASSOCIATIONS IN BANK SERVICE COMPANIES AUTHORIZED.**

(a) IN GENERAL.—Sections 2 and 3 of the Bank Service Company Act (12 U.S.C. 1862, 1863) are each 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 Board” 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 depository institution’, ‘State savings association’ and ‘Federal savings 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. 1464(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)(ii) of section 1(b)(2) 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”; and

(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, other than the limitation 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”.

(7) Section 4(b) of the Bank Service Company Act (12 U.S.C. 1864(b)) is amended by inserting “as permissible under subsection (c), (d), or (e) or” after “Except”.

(8) Section 4(c) of the Bank Service Company Act (12 U.S.C. 1864(c)) is amended by inserting “or State savings association” after “State bank” each place such term appears.

(9) Section 4(d) of the Bank Service Company Act (12 U.S.C. 1864(d)) is amended by inserting “or Federal savings association” after “national bank” each place such term appears.

(10) 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 authorized to perform such services.”

(11) 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”.

(12) Section 5 of the Bank Service Company Act (12 U.S.C. 1865) is amended—

(A) in subsection (a)—

(i) by striking “insured bank” and inserting “insured depository institution”; and

(ii) by striking “bank’s” and inserting “institution’s”; and

(B) in subsection (b)—

(i) by striking “insured bank” and inserting “insured depository institution”; and

(ii) by inserting “authorized only” after “performs any service”; and

(iii) by inserting “authorized only” after “perform 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”.

(13) 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”; and

(B) in subsection (c)—

(i) by striking “a bank” each place such term appears and inserting “a depository institution”; and

(ii) by striking “the bank” each place such term appears and inserting “the depository institution”.

**SEC. 407. CROSS GUARANTEE AUTHORITY.**

Subparagraph (A) of section 5(e)(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. GOLDEN PARACHUTE AUTHORITY AND NONBANK HOLDING COMPANIES.**

Subsection (k) of section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828(k)) is amended—

(1) in paragraph (2)(A), by striking “or depository institution holding company” and inserting “or covered company”; and

(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 insolvency of the depository institution or covered company;

“(ii) the appointment of a conservator or receiver for the depository institution; or

“(iii) the depository institution’s troubled condition (as defined in the regulations prescribed pursuant to section 32(f)).”;

(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” and inserting “covered company”;

(6) in paragraph (4)(A)—

(A) by striking “depository institution holding company” each place such term appears and inserting “covered company”; and

(B) by striking “holding company” each place such term appears (other than in connection with the term referred to in subparagraph (A)) and inserting “covered company”;

(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 1956), 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.”; and

(B) by striking “or holding company” and inserting “or covered company”.

#### SEC. 409. AMENDMENTS RELATING TO CHANGE IN BANK CONTROL.

Section 7(j) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)) is amended—

(1) in paragraph (1)(D)—

(A) by striking “is needed to investigate” and inserting “is needed—

“(i) to investigate”;

(B) by striking “United States Code.” and inserting “United States Code; or”;

(C) 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

(2) in paragraph (7)(C), by striking “the financial condition of any acquiring person” and inserting “either 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 4975(e)(7) of the Internal Revenue Code of 1986.

“(B) ELIGIBLE WORKER-OWNED COOPERATIVE.—The term ‘eligible worker-owned cooperative’ has the same meaning as in section 1042(c)(2) 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 preserve the minority character in 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.

(b) MINORITY FINANCIAL INSTITUTION DEFINED.—For purposes of this subsection, the term “minority financial institution” has the same meaning as in section 308(b) 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 1956 (12 U.S.C. 1843(n)(5)) is amended—

(1) in subparagraph (B), by striking “subsection (k)(4)(I)” and inserting “subparagraph (H) or (I) of subsection (k)(4)”;

(2) by adding at the end the following new subparagraph:

“(C) THRESHOLD OF CONTROL.—Subparagraph (A) shall not apply with respect to a company described or referred to in clause (i) or (ii) of such subparagraph if the financial 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. AMENDMENT TO PROVIDE THE FEDERAL RESERVE BOARD WITH DISCRETION CONCERNING THE IMPUTATION OF CONTROL OF SHARES OF A COMPANY BY TRUSTEES.

Section 2(g)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(g)(2)) is amended by inserting “, unless the Board determines that such treatment is not appropriate in light of the facts and circumstances of the case and the purposes of this Act” before the period at the end.

##### SEC. 503. ELIMINATING 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) of this Act) is amended—

(1) by striking “corporation organized” and all that follows through “is available for purchase” and inserting “company, if the entire capital of the company is available for purchase”;

(2) by striking “having their home offices in such State”.

(b) TECHNICAL CORRECTIONS.—

(1) The heading for subparagraph (B) of section 5(c)(4) of the Home Owners’ Loan Act (12 U.S.C. 1464(c)(4)(B)) is amended by striking “CORPORATIONS” and inserting “COMPANIES”.

(2) The 2nd sentence of section 5(n)(1) of the Home Owners’ Loan Act (12 U.S.C. 1464(n)(1)) is amended by striking “service corporations” and inserting “service companies”.

(3) Section 5(q)(1) of the Home Owners’ Loan Act (12 U.S.C. 1464(q)(1)) is amended by striking “service corporation” each place such term appears in subparagraphs (A), (B), and (C) and inserting “service company”.

(4) Section 10(m)(4)(C)(iii)(II) of the Home Owners’ Loan Act (12 U.S.C. 1467a(m)(4)(C)(iii)(II)) is amended by striking “service corporation” each place such term appears and inserting “service company”.

##### SEC. 504. CLARIFICATION OF SCOPE OF APPLICABLE RATE PROVISION.

Section 44(f) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(f)) is amended by adding at the end the following new paragraphs:

“(3) OTHER LENDERS.—In the case of any other lender doing business in the State described in paragraph (1), the maximum interest rate or amount of interest, discount points, finance charges, or other similar charges that may be charged, taken, received, or reserved

from time to time in any loan, discount, or credit sale made, or upon any note, bill of exchange, financing transaction, or other evidence of debt issued to or acquired by any other lender shall be equal to not more than the greater of the rates described in subparagraph (A) or (B) of paragraph (1).

“(4) OTHER LENDER DEFINED.—For purposes of paragraph (3), the term ‘other lender’ means any person engaged in the business of selling or financing the sale of personal property (and any services incidental to the sale of personal property) in such State, except that, with regard to any person or entity described in such paragraph, such term does not include—

“(A) an insured depository institution; or

“(B) any person or entity engaged in the business of providing a short-term cash advance to any consumer in exchange for—

“(i) a consumer’s personal check or share draft, in the amount of the advance plus a fee, where presentment or negotiation of such check or share draft is deferred by agreement of the parties until a designated future date; or

“(ii) a consumer authorization to debit the consumer’s transaction account, in the amount of the advance plus a fee, where such account will be debited on or after a designated future date.”.

##### SEC. 505. SAVINGS ASSOCIATIONS ACTING AS AGENTS FOR AFFILIATED DEPOSITORY INSTITUTIONS.

(a) IN GENERAL.—Section 18(r) of the Federal Deposit Insurance Act (12 U.S.C. 1828(r)) is amended—

(1) in paragraph (1)—

(A) by striking “bank subsidiary” and inserting “depository institution subsidiary”;

(B) by striking “bank holding company” and inserting “depository institution holding company”;

(2) in paragraph (2), by striking “a bank acting” and inserting “a depository institution acting”;

(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) CLERICAL AMENDMENT.—The heading for section 18(r)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1828(r)) is amended by striking “BANK” and inserting “DEPOSITORY INSTITUTION”.

##### SEC. 506. CREDIT CARD BANK INVESTMENTS FOR THE PUBLIC WELFARE.

Section 2(c)(2)(F) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2)(F)) is amended—

(1) in clause (i), by striking “engages only in credit card operations;” and inserting “engages only in—

“(I) credit card operations; and

“(II) making investments designed primarily to promote the public welfare, including the welfare of low- and moderate-income communities or families (such as by providing housing, services, or jobs), in the manner and to the extent permitted for national banks under the paragraph designated the ‘Eleventh’ of section 5136 of the Revised Statutes of the United States and regulations prescribed under such paragraph, except that the last sentence of such paragraph shall be applied for purposes of this subclause by substituting ‘5 percent’ for ‘15 percent’ each place such term appears;”;

(2) in clause (v), by inserting “, other than making or purchasing loans for the purposes described in and to the extent permitted in clause (i)(II)” before the period at the end.

#### TITLE VI—BANKING AGENCY PROVISIONS

##### SEC. 601. WAIVER OF EXAMINATION SCHEDULE IN ORDER TO ALLOCATE EXAMINER RESOURCES.

Section 10(d) of the Federal Deposit Insurance Act (12 U.S.C. 1820(d)) is amended—

(1) by redesignating 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 EXAMINER RESOURCES.—Notwithstanding paragraphs (1), (2), (3), and (4), and (4), an appropriate Federal banking agency may make adjustments in the examination cycle for an insured depository institution if necessary to allocate available resources of examiners in a manner that provides for the safety and soundness of, and the effective examination and supervision of, insured depository institutions.”; and

(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 subparagraph:

“(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 the Corporation has been appointed 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 examined by such 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 to be appropriate.”.

(b) NATIONAL CREDIT UNION ADMINISTRATION.—Section 202(a) of the Federal Credit Union Act (12 U.S.C. 1782(a)) is amended by adding at the end the following new paragraph:

“(B) 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 the Corporation has been appointed conservator or liquidating agent) or an appropriate State commission, board, or authority having supervision of a State-chartered credit union, the Board may, in the Board’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 19 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 1978) of a foreign bank as 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 agency determined under the following paragraphs for ‘Corporation’ each place such term appears in such subsections:

“(1) 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.

“(2) 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 FDIC AFTER THE 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.—

“(i) IN GENERAL.—Except as provided in clause (ii), after the end of the 6-year period”;

(2) by striking “to be unnecessary” and inserting “are unnecessary and not relevant to any pending or reasonably probable future litigation”;

(3) by adding at the end the following new clause:

“(ii) OLD RECORDS.—In the case of records of an insured depository institution which—

“(I) are at least 10 years old, as of the date the Corporation is appointed as the receiver of such depository institution; and

“(II) are unnecessary and not relevant to any pending or reasonably probable future litigation, as provided in clause (i),

the Corporation may destroy such records in accordance with clause (i) any time after such appointment is final without regard to the 6-year period of limitation contained in such clause.”.

**SEC. 605. MODERNIZATION OF RECORDKEEPING REQUIREMENT.**

Subsection (f) of section 10 of the Federal Deposit Insurance Act (12 U.S.C. 1820(f)) is amended to read as follows:

“(f) PRESERVATION OF AGENCY 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 capable of—

“(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 electronically stored data.

“(2) TREATMENT AS ORIGINAL RECORDS.—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 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(a) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)) is amended by adding the following new paragraph:

“(11) STREAMLINING REPORTS OF CONDITION.—

“(A) REVIEW OF INFORMATION AND SCHEDULES.—Before the end of the 1-year period beginning on the date of the enactment of the Fi-

ancial Services Regulatory Relief 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).

“(B) REDUCTION OR ELIMINATION OF INFORMATION FOUND TO BE UNNECESSARY.—After completing the review required by subparagraph (A), a Federal banking agency, in consultation with the other relevant Federal banking agencies, shall reduce or eliminate any requirement to file information or schedules under paragraph (3) (other than information or schedules that are otherwise required by law) if the agency determines that the continued collection of such information or schedules is no longer necessary or appropriate.”.

**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 by inserting after paragraph (11) (as added by section 606 of this title) the following new paragraph:

“(12) SHORT FORM REPORTS OF CONDITION FOR COMMUNITY BANKS.—

“(A) IN GENERAL.—With respect to reports of condition required under paragraph (3) for each calendar quarter, an insured depository institution described in subparagraphs (A), (B), (C), and (D) of section 10(d)(4) may submit a short form of any such report of condition in 2 non-sequential quarters of any calendar year.

“(B) SHORT FORM DEFINED.—The term ‘short form’, when used in connection with any report of condition required under paragraph (3), means a report of condition 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)—

(i) by striking “is charged in any information, indictment, or complaint, with the commission of or participation in” and inserting “is the subject of any information, indictment, or complaint, involving the commission of or participation in”;

(ii) 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 “posed, poses, or 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”;

(C) in subparagraph (C)(i)—

(i) 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 “posed, poses, or may pose a threat to the interests of the depositors of, or threatened, threatens, or may threaten to impair public confidence in, and relevant depository institution (as defined in subparagraph (E)),”; and

(ii) by striking “affairs of the depository institution” and inserting “affairs of any depository institution”;

(D) in subparagraph (C)(ii), by striking “affairs of the depository institution” and inserting “affairs of any depository institution”;

(E) in subparagraph (D)(i), 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) or the order is issued under subparagraph (C)(i).”

(2) CLERICAL AMENDMENT.—The heading for section 8(g) of the Federal Deposit Insurance Act (12 U.S.C. 1818(g)) is amended to read as follows:

“(g) SUSPENSION, REMOVAL, AND PROHIBITION FROM PARTICIPATION ORDERS IN THE CASE OF CERTAIN CRIMINAL OFFENSES.—”

(b) INSURED CREDIT UNIONS.—

(1) IN GENERAL.—Section 206(i)(1) of the Federal Credit Union Act (12 U.S.C. 1786(i)(1)) is amended—

(A) in subparagraph (A), by striking “the credit union” each place such term appears and inserting “any credit union”;

(B) in subparagraph (B)(i), by inserting “of which the subject of the order is, or most recently was, an institution-affiliated party” before the period at the end;

(C) in subparagraph (C)—

(i) by striking “the credit union” each place such term appears and inserting “any credit union”; and

(ii) by striking “the credit union’s” and inserting “any credit union’s”;

(D) in subparagraph (D)(i), by striking “upon such credit union” and inserting “upon the credit union of which the subject of the order is, or most recently was, an institution-affiliated party”; and

(E) by adding at the end the following new subparagraph:

“(E) CONTINUATION OF AUTHORITY.—The Board may issue an order under this paragraph with respect to an individual who is an institution-affiliated party at a credit union at the time of an offense described in subparagraph (A) without regard to—

“(i) whether such individual is an institution-affiliated party at any credit union at the time the order is considered or issued by the Board; or

“(ii) whether the credit union at which the individual was an institution-affiliated party at the time of the offense remains in existence at the time the order is 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 “(i)” at the beginning and inserting the following new subsection heading:

“(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:

“(4) REPORTS ON COMPETITIVE FACTORS.—

“(A) REQUEST FOR REPORT.—In the interests of uniform standards and subject to subparagraph (B), the responsible agency shall, before acting on any application for approval of a merger transaction—

“(i) request a report on the competitive factors involved from the Attorney General; and

“(ii) provide a copy of the request to the Corporation (when the Corporation is not the responsible agency).

“(B) CONCURRENT CONSIDERATION.—The responsible agency shall not be required to make a request under subparagraph (A) before acting on an application for approval of a merger transaction if—

“(i) the agency finds that it must act immediately in order to prevent the probable failure of a depository institution involved in the transaction; or

“(ii) the transaction consists of a merger between an insured depository institution and 1 or more affiliates of the depository institution.

“(C) FURNISHING OF REPORT.—The report requested under subparagraph (A) shall be furnished by the Attorney General to the responsible agency—

“(i) not more than 30 calendar days after the date on which the Attorney General received the request; or

“(ii) not more than 10 calendar days after such date, if the requesting agency advises the Attorney General that an emergency exists requiring expeditious action.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 18(c)(6) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)(6)) is amended—

(1) in the second sentence by striking “banks or savings associations involved” and inserting the following: “insured depository institutions involved, or if the proposed merger transaction is solely between an insured depository institution and 1 or more of affiliates of the depository institution,” and

(2) by striking the penultimate sentence and inserting the following: “If the agency has advised the Attorney General under paragraph (4)(C)(ii) of the existence of an emergency requiring expeditious action and has requested a report on the competitive factors within 10 days, the transaction may not be consummated before the fifth calendar day after the date of approval by the agency.”

**SEC. 611. INCLUSION OF DIRECTOR OF THE OFFICE OF THRIFT SUPERVISION IN LIST OF BANKING AGENCIES REGARDING INSURANCE CUSTOMER PROTECTION REGULATIONS.**

Section 47(g)(2)(B)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1831r(g)(2)(B)(i)) is amended by inserting “the Director of the Office of Thrift Supervision,” after “Comptroller of the Currency,”

**SEC. 612. PROTECTION OF CONFIDENTIAL INFORMATION RECEIVED BY FEDERAL BANKING REGULATORS FROM FOREIGN BANKING SUPERVISORS.**

Section 15 of the International Banking Act of 1978 (12 U.S.C. 3109) is amended by adding at the end the following new subsection:

“(c) CONFIDENTIAL INFORMATION RECEIVED FROM FOREIGN SUPERVISORS.—

“(1) IN GENERAL.—Except as provided in paragraph (3), a Federal banking agency shall not

be compelled to disclose information received from a foreign regulatory or supervisory authority if—

“(A) the Federal banking agency determines that the foreign regulatory or supervisory authority has, in good faith, determined and represented to such Federal banking agency that public disclosure of the information would violate the laws applicable to that foreign regulatory or supervisory authority; and

“(B) the relevant Federal banking agency obtained such information pursuant to—

“(i) such procedures as the Federal banking agency may establish for use in connection with the administration and enforcement of Federal banking laws; or

“(ii) a memorandum of understanding 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 552 of title 5, United States Code, this subsection shall be treated as a statute described in subsection (b)(3)(B) of such section.

“(3) SAVINGS PROVISION.—No provision of this section shall be construed as—

“(A) authorizing any Federal banking agency to withhold any information from any duly authorized committee of the House of Representatives or the Senate; or

“(B) preventing any Federal banking agency from complying with an order of a court of the United States in an action commenced by the United States or such agency.

“(4) FEDERAL BANKING AGENCY DEFINED.—For purposes of this subsection, the term ‘Federal banking agency’ means the Board, the Comptroller, the Federal Deposit Insurance Corporation, and the Director of the Office of Thrift Supervision.”

**SEC. 613. PROHIBITION ON PARTICIPATION BY CONVICTED INDIVIDUAL.**

(a) EXTENSION OF AUTOMATIC PROHIBITION.—Section 19 of the Federal Deposit Insurance Act (12 U.S.C. 1829) is amended by inserting after subsection (c) (as added by section 603 of this title) the following new subsections:

“(d) BANK HOLDING COMPANIES.—Subsections (a) and (b) shall apply to any company (other than a foreign bank) that is a bank holding company and any organization organized and operated under section 25A of the Federal Reserve Act or operating under section 25 of the Federal Reserve Act as if such bank holding company or organization were an insured depository institution, except such subsections shall be applied for purposes of this subsection by substituting ‘Board of Governors of the Federal Reserve System’ for ‘Corporation’ each place such term appears in such subsections.

“(e) SAVINGS AND LOAN HOLDING COMPANIES.—Subsections (a) and (b) shall apply to any savings and loan holding company and any subsidiary (other than a savings association) of a savings and loan holding company as if such savings and loan holding company or subsidiary were an insured depository institution, except such subsections shall be applied for purposes of this subsection by substituting ‘Director of the Office of Thrift Supervision’ for ‘Corporation’ each place such term appears in such subsections.”

(b) ENHANCED DISCRETION TO REMOVE CONVICTED INDIVIDUALS.—Section 8(e)(2)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1818(e)(2)(A)) is amended—

(1) by striking “or” at the end of clause (ii);

(2) by striking the comma at the end of clause (iii) and inserting “; or”; and

(3) by adding at the end the following new clause:

“(iv) an institution-affiliated party of a subsidiary (other than a bank) of a bank holding company has been convicted of any criminal offense involving dishonesty or a breach of trust, or has agreed to enter into a pretrial diversion or similar program in connection with a prosecution for such an offense.”

**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 AMENDMENT.*—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.*—

“(A) *PROHIBITION ON FALSE ADVERTISING AND MISUSE OF FDIC NAMES.*—No person may—

“(i) use the terms ‘Federal Deposit’, ‘Federal Deposit Insurance’, ‘Federal Deposit Insurance Corporation’, any combination of such terms, or the abbreviation ‘FDIC’ as part of the business name or firm name of any person, including any corporation, partnership, business trust, association, or other business entity; or

“(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.

“(B) *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.

“(C) *AUTHORITY OF FDIC.*—The Corporation shall have—

“(i) jurisdiction over any person that violates this paragraph, or aids or abets the violation of 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), (d) and (i) of section 8,

as if such person were a state nonmember insured bank.

“(D) *OTHER ACTIONS PRESERVED.*—No provision of this paragraph shall be construed as barring any action otherwise available, under the laws of the United States or any State, to any Federal or State law enforcement agency or individual.”.

(b) *ENFORCEMENT ORDERS.*—Section 8(c) of the Federal Deposit Insurance Act (12 U.S.C. 1818(c)) is amended by adding at the end the following new paragraph:

“(4) *FALSE ADVERTISING OR MISUSE OF NAMES TO INDICATE INSURED STATUS.*—

“(A) *TEMPORARY ORDER.*—

“(i) *IN GENERAL.*—If a notice of charges served under subsection (b)(1) of this section specifies on the basis of particular facts that any person is engaged in conduct described in section 18(a)(4), the Corporation may issue a temporary order requiring—

“(I) the immediate cessation of any activity or practice described, which gave rise to the notice of charges; and

“(II) affirmative action to prevent any further, or to remedy any existing, violation.

“(ii) *EFFECT OF ORDER.*—Any temporary order issued under this subparagraph shall take effect upon service.

“(B) *EFFECTIVE PERIOD OF TEMPORARY ORDER.*—A temporary order issued under subparagraph (A) shall remain effective and enforceable, pending the completion of an administrative proceeding pursuant to subsection (b)(1) in connection with the notice of charges—

“(i) until such time as the Corporation shall dismiss the charges specified in such notice; or

“(ii) if a cease-and-desist order is issued against such person, until the effective date of such order.

“(C) *CIVIL MONEY PENALTIES.*—Violations of section 18(a)(4) shall be subject to civil money penalties as set forth in subsection (i) in an amount not to exceed \$1,000,000 for each day during which the violation occurs or continues.”.

(c) *TECHNICAL AND CONFORMING AMENDMENTS.*—

(1) Section 18(a)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1828(a)) is amended—

(A) in the 1st sentence by striking “of this subsection” and inserting “of paragraphs (1) and (2)”;

(B) by striking the 2nd sentence; and

(C) in the 3rd sentence, by striking “of this subsection” and inserting “of paragraphs (1) and (2)”.

(2) 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 DEPOSIT INSURANCE.—”.

**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—appendix C) 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 engaged in any 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 total assets held by all insured depository institutions, as determined by the Board.

(b) *INCREASE IN DEBT-TO-EQUITY RATIO OF SMALL BANK HOLDING COMPANY.*—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—appendix C) such that the debt-to-equity ratio allowable for a small bank holding company in order to remain eligible to pay a corporate dividend and to remain eligible for expedited processing procedures under Regulation Y of the Board of Governors of the Federal Reserve System would increase from 1:1 to 3:1.

**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:

“(c) *EXCEPTION TO ANNUAL NOTICE REQUIREMENT.*—A financial institution that—

“(1) provides nonpublic personal information only in accordance with the provisions of subsection (b)(2) or (e) of section 502 or regulations prescribed under section 504(b);

“(2) does not share information with affiliates under section 603(d)(2)(A) of the Fair Credit Reporting Act; and

“(3) has not changed its policies and practices with regard to disclosing nonpublic personal information from the policies and practices that were disclosed in the most recent disclosure sent to consumers in accordance with this subsection,

shall not be required to provide an annual disclosure under this subsection until such time as the financial institution fails to comply with any criteria described in paragraph (1), (2), or (3).

“(d) *EXCEPTION TO NOTICE REQUIREMENT.*—A financial institution shall not be required to provide any disclosure under this section if—

“(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 either by 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; or

“(2) the financial institution is licensed by a State and becomes subject to future 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 either by 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.”.

**SEC. 618. BIENNIAL REPORTS ON THE STATUS OF AGENCY EMPLOYMENT OF MINORITIES AND WOMEN.**

(a) *IN GENERAL.*—Before December 31, 2005, and the end of each 2-year period beginning after such date, each Federal banking agency shall submit a report to the Congress on the status of the employment by the agency of minority individuals and women.

(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 successes achieved and challenges faced by the agency in operating minority and women outreach programs.

(3) Challenges the agency may face in finding qualified minority individual 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”—



(A) has the same meaning as in section 3(2) of the Federal Deposit Insurance Act; and

(B) includes the National Credit Union Administration.

(2) MINORITY.—The term “minority” has the same meaning as in section 1204(c)(3) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

**SEC. 619. COORDINATION OF STATE EXAMINATION AUTHORITY.**

Section 10(h) of the Federal Deposit Insurance Act (12 U.S.C. 1820(h)) is amended to read as follows:

“(h) COORDINATION OF EXAMINATION AUTHORITY.—

“(1) STATE BANK SUPERVISORS OF HOME AND HOST STATES.—

“(A) HOME STATE OF BANK.—The appropriate State bank supervisor of the home State of an insured State bank has authority to examine and supervise the bank.

“(B) HOST STATE BRANCHES.—The State bank supervisor of the home State of an insured State bank and any State bank supervisor of an appropriate host State shall exercise their respective authority to supervise and examine the branches of the bank in a host State in accordance with the terms of any applicable cooperative agreement between the home State bank supervisor and the State bank supervisor of the relevant host State.

“(C) SUPERVISORY FEES.—Except as expressly provided in a cooperative agreement between the State bank supervisors of the home State and any host State of an insured State bank, only the State bank supervisor of the home State of an insured State bank may levy or charge State supervisory fees on the bank.

“(2) HOST STATE EXAMINATION.—

“(A) IN GENERAL.—With respect to a branch operated in a host State by an out-of-State insured State bank that resulted from an interstate merger transaction approved under section 44 or that was established in such State pursuant to section 5155(g) of the Revised Statutes, the third undesignated paragraph of section 9 of the Federal Reserve Act or section 18(d)(4) of this Act, the appropriate State bank supervisor of such host State may—

“(i) with written notice 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 such home State, examine such branch for the purpose of determining compliance with host State laws that are applicable pursuant to section 24(j) of this Act, including those that govern community reinvestment, fair lending, and consumer protection; and

“(ii) if expressly permitted under and subject to the terms of a cooperative agreement with the State bank supervisor of the bank’s home State or if such out-of-State insured State bank has been determined to be in a troubled condition by either the State bank supervisor of the bank’s home State or the bank’s appropriate Federal banking agency, participate in the examination of the bank by the State bank supervisor of the bank’s home State to ascertain that the activities of the branch in such host State are not conducted in an unsafe or unsound manner.

“(B) NOTICE OF DETERMINATION.—

“(i) IN GENERAL.—The State bank supervisor of the home State of an insured State bank should notify the State bank supervisor of each host State of the bank if there has been a final determination that the bank is in a troubled condition.

“(ii) TIMING OF NOTICE.—The State bank supervisor of the home State of an insured State bank should provide notice under clause (i) as soon as reasonably possible but in all cases within 15 business days after the State bank supervisor has made such final determination or has received written notification of such final determination.

“(3) HOST STATE ENFORCEMENT.—If the State bank supervisor of a host State determines that

a branch of an out-of-State State insured State 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 community reinvestment, fair lending, or consumer protection, the State bank supervisor of the host State or, to the extent authorized by the law of the host State, a host State law enforcement officer may, with written notice 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 cooperative 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 host State bank supervisor to facilitate State regulatory supervision of State banks and includes nationwide or multi-state cooperative agreements and cooperative agreements solely between the home State and host State.

“(B) RULE OF CONSTRUCTION.—Except for State bank supervisors, no provision of this subsection relating to such cooperative agreements shall be construed as limiting in any way the authority of home and host State law enforcement officers, regulatory supervisors, or other officials that have not signed such cooperative agreements to enforce host State laws that are applicable to a branch of an out-of-State insured State bank located in the host State pursuant to section 24(j) of this Act.

“(5) FEDERAL REGULATORY AUTHORITY.—No provision of this subsection shall be construed as limiting in any way the authority of any Federal banking agency.

“(6) STATE TAXATION AUTHORITY NOT AFFECTED.—No provision of this subsection (h) 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 other Federal law.

“(7) DEFINITIONS.—For purpose of this section, the following definition 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 State bank has been determined to be in ‘troubled condition’ if the bank—

“(i) has a composite rating, as determined in its most recent report of examination, of 4 or 5 under the Uniform Financial Institutions Ratings System (UFIRS); or

“(ii) is subject to a proceeding initiated by the Corporation for termination or suspension of deposit insurance; or

“(iii) is subject to a proceeding initiated by the State bank supervisor of the bank’s home State to vacate, revoke, or terminate the charter of the bank, or to liquidate the bank, or to appoint a receiver for the bank.

“(D) 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 to the bank.”.

**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:

“(x) PRIVILEGES NOT AFFECTED BY DISCLOSURE TO BANKING AGENCY OR SUPERVISOR.—

“(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 205 of the Federal Credit Union Act (12 U.S.C. 1785) is amended by adding at the end the following new subsection:

“(j) PRIVILEGES NOT AFFECTED BY DISCLOSURE TO BANKING AGENCY OR SUPERVISOR.—

“(1) IN GENERAL.—The submission by any person of any information to the Administration, any State credit union supervisor, or foreign banking authority for any purpose in the course of any supervisory or regulatory process of such Board, 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 Board, 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 the Administration, any State credit union supervisor, or foreign banking authority, but for this subsection.”.

**SEC. 621. RIGHT TO FINANCIAL PRIVACY ACT OF 1978 AMENDMENT.**

Paragraph (1) of section 1101 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401) is amended by inserting “(including any lender who advances funds on pledges of personal property)” after “consumer finance institution”.

**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.—

“(A) IN GENERAL.—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.”.

(b) SERVICE OF DEPUTY DIRECTOR AS ACTING DIRECTOR.—Section 3(c)(3) of the Home Owners’ Loan Act (12 U.S.C. 1462a(c)(3)) is amended—

(1) by striking “VACANCY.—A vacancy in the position of Director” and inserting “VACANCY.—“(A) IN GENERAL.—A vacancy in the position of Director””; and

(2) by adding at the end the following new subparagraphs:

“(B) ACTING DIRECTOR.—

“(i) IN GENERAL.—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.

“(ii) SUCCESSION IN CASE OF 2 OR MORE DEPUTY DIRECTORS.—If there are 2 or more Deputy Directors serving at the time a vacancy in the position of Director occurs or the absence or disability of the Director commences, the First Deputy Director shall serve as Acting Director under clause (i) followed by such other Deputy Directors under any order of succession the Director may establish.

“(iii) AUTHORITY OF ACTING DIRECTOR.—Any Deputy Director, while serving as Acting Director under this subparagraph, shall be vested with all authority, duties, and privileges of the Director under 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 consumer 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, the terms “credit”, “credit card”, “creditor”, “consumer” and “open end credit plan” have the same meanings as in section 103 of the Truth in Lending Act.

(c) SUNSET PROVISION.—This section shall not apply after the end of the 3-year period beginning on the date of the enactment of this Act .

#### TITLE VII—“BSA” COMPLIANCE BURDEN REDUCTION

##### SEC. 701. EXCEPTION FROM CURRENCY TRANSACTION REPORTS FOR SEASONED CUSTOMERS.

(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 other data derived pursuant to subchapter II of chapter 53 of title 31, United States Code, as well as investigative data, which pro-

vides invaluable and indispensable information supporting efforts to combat money laundering and other financial crimes.

(4) An exemption from the reporting requirements for certain currency transactions that are of little or no value to ongoing efforts of law enforcement agencies, financial regulatory agencies, and the financial services industry to investigate, 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, and in accordance with section 5313 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 exemption provides meaningful information to law enforcement officials on exempt customers and enables law enforcement to obtain account information through appropriate legal process; the act of providing notice of designations of exemption complements other sections 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 314(a) of the USA PATRIOT Act of 2001.

(7) A designation of exemption has no effect on requirements for depository institutions 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 5326 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 on applying 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 5313(e) of title 31, United States Code, is amended to read as follows:

“(e) QUALIFIED CUSTOMER EXEMPTION.—

“(1) IN GENERAL.—The Secretary of the Treasury shall prescribe regulations within 270 days of the enactment of the Financial Services Regulatory Relief Act of 2005 that exempt any depository institution from filing a report pursuant to this section in a transaction for the payment, receipt, or transfer of United States coins or currency (or other monetary instruments the Secretary of the Treasury prescribes) with a qualified customer of the depository institution.

“(2) QUALIFIED CUSTOMER DEFINED.—For purposes of this section, the term ‘qualified customer’, with respect to a depository institution, has such meaning as the Secretary of the Treasury shall prescribe, which shall include any person that—

“(A) is incorporated or organized under the laws of the United States or any State, including a sole proprietorship, or is registered as and eligible to do business within the United States or a State;

“(B) has maintained a deposit account with the depository institution for at least 12 months; and

“(C) has engaged, using such account, in multiple currency transactions that are subject to the reporting requirements of subsection (a).

“(3) REGULATIONS.—

“(A) IN GENERAL.—The Secretary of the Treasury shall prescribe regulations requiring a depository institution to file a 1-time notice of designation of exemption for each qualified customer of the depository institution.

“(B) FORM AND CONTENT OF EXEMPTION NOTICE.—The Secretary shall by regulation prescribe the form, manner, content, and timing of the qualified customer exemption notice; such notice shall include information sufficient to identify the qualified customer and its accounts.

“(C) AUTHORITY OF SECRETARY.—

“(i) IN GENERAL.—The Secretary may suspend, reject or revoke any qualified customer exemption notice, in accordance with criteria prescribed by the Secretary by regulation.

“(ii) CONDITIONS.—The Secretary may establish conditions, in accordance with criteria prescribed by regulation, under which exempt qualified customers of an insured depository institution that is merged with or acquired by another insured depository institution will continue to be treated as designated exempt qualified customers of the surviving or acquiring institution.”.

(c) 3-YEAR REVIEW AND REPORT.—Before the end of the 3-year period beginning on the date of the enactment of this Act, the Secretary of the Treasury, 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 deems appropriate, shall evaluate the operations and effect of this provision and make recommendations to Congress as to any legislative action with respect to this provision as the Secretary may determine to be appropriate.

##### SEC. 702. REDUCTION IN INCONSISTENCIES IN MONETARY TRANSACTION RECORDKEEPING 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 under section 8 of the Federal Deposit Insurance Act, section 206(q) 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 8(s) of the Federal Deposit Insurance Act (12 U.S.C. 1818(s)) is amended by adding at the end the following new paragraph:

“(4) COORDINATION ON UNIFORM REQUIREMENTS.—In prescribing regulations under 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) 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 requirements).”.

(B) FEDERAL CREDIT UNION ACT.—Section 206(q) of the Federal Credit Union Act (12 U.S.C. 1786(q)) is amended by adding at the end the following new paragraph:

“(4) COORDINATION ON UNIFORM REQUIREMENTS.—In prescribing regulations under paragraph (1), the Board, acting through the Financial Institutions Examination Council, shall—

“(A) consult with the Federal banking agencies and the Secretary of the Treasury; and

“(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 requirements).”.

(2) EXAMINATION STANDARDS AND DISPUTES.—Section 1006 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 subsection:

“(h) MONETARY TRANSACTION RECORDKEEPING AND REPORTING REQUIREMENTS.—The Council and the Secretary of the Treasury shall jointly establish—

“(1) uniform standards and principles applicable to the examination of financial institutions to ensure compliance with the requirements of subchapter II of chapter 53, United States Code, sections 8(s) and 21 of the Federal Deposit Insurance Act, and section 206(q) of the Federal Credit Union Act; and

“(2) a clear policy statement on appropriate processes for resolving examiner-institution disagreements concerning the application of subchapter II of chapter 53, United States Code, sections 8(s) and 21 of the Federal Deposit Insurance Act, and section 206(q) of the Federal Credit Union Act to financial institutions.”.

(3) EFFECTIVE DATE.—The Federal banking agencies, the National Credit Union Administration Board, the Financial Institutions Examination Council, and the Secretary of the Treasury shall commence the discussions and consultations required under the amendments made by this subsection as soon as practicable after the date of the enactment of this Act.

(c) REVIEW OF AND REPORT ON ADDITIONAL REGULATORY OR LEGISLATIVE CHANGES.—

(1) REVIEW REQUIRED.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Secretary of the Treasury shall conduct a review of the potential inconsistencies in, or redundancies among, the regulations pertaining to the application of the requirements of subchapter II of chapter 53, United States Code, sections 8(s) and 21 of the Federal Deposit Insurance Act, and section 206(q) of the Federal Credit Union Act to financial institutions.

(2) REPORT TO CONGRESS AND THE FINANCIAL INSTITUTIONS EXAMINATION COUNCIL.—Upon completion of the review under paragraph (1), the Secretary of the Treasury shall promptly submit a report on the findings and conclusions of the Secretary with respect to the review to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, together with such recommendations for legislative and administrative actions as the Secretary may determine to be appropriate, and shall transmit a copy of such report to the members of the Financial Institutions Examination Council.

(d) REFORM OF APPLICATION OF MONETARY TRANSACTION RECORDKEEPING AND REPORTING REQUIREMENTS TO FINANCIAL INSTITUTIONS.—Before the end of the 9-month period beginning

on the date of the submission of the report to Congress under subsection (c)(2), the Secretary of the Treasury shall prescribe regulations implementing appropriate changes to regulations within the jurisdiction of the Secretary to remedy redundancies or inconsistencies identified in the review by, and included in the recommendations of, the Secretary under subsection (c).

**SEC. 703. ADDITIONAL REFORMS RELATING TO MONETARY TRANSACTION AND RECORDKEEPING REQUIREMENTS APPLICABLE TO FINANCIAL INSTITUTIONS.**

(a) NOTIFICATION OF OFFICERS AND DIRECTORS OF FINANCIAL INSTITUTIONS.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Secretary of the Treasury shall—

(1) review any regulation, guideline, or guidance of the Secretary, any Federal banking agency, or the National Credit Union Administration Board that serves as the basis for any requirement to provide notice to any officer or director of a depository institution of any suspicious activity report submitted by the depository institution to the Secretary and any such agency or Board;

(2) modify or eliminate any such requirement of the Secretary that the Secretary determines is not necessary to achieve the purposes of section 5318(g) of title 31, United States Code; and

(3) make a recommendation to any Federal banking agency or the National Credit Union Administration Board to modify or eliminate any such requirement of such agency or Board that the Secretary determines is not necessary to achieve the purposes of section 5318(g) of title 31, United States Code.

(b) ELIMINATION OF UNNECESSARY VERIFICATION REQUIREMENTS APPLICABLE TO THE PURCHASE OF FINANCIAL INSTRUMENTS.—Before the end of the 9-month period beginning on the date of the enactment of this Act, the Secretary of the Treasury shall—

(1) review all verification of customer identity requirements as they relate to the purchases of monetary instruments by customers of depository institutions, including the regulations codified in section 103.29(a)(ii) of title 31, Code of Federal Regulations; and

(2) modify or eliminate any customer identity requirement related to the purchases of monetary instruments by customers of depository institutions codified in section 103.29(a)(ii) of title 31, Code of Federal Regulations, that the Secretary determines is unnecessary.

(c) ELIMINATION OF RECURRING FILINGS OF SUSPICIOUS ACTIVITY REPORTS ON A SINGLE TRANSACTION.—Before the end of the 9-month period beginning on the date of the enactment of this Act, the Secretary of the Treasury, as appropriate, shall prescribe regulations, or issue other forms of guidance, that eliminate the need for depository institutions to file recurring suspicious activity reports on the same transaction unless there has been a subsequent change in any pattern of activity involving any person who was connected with the transaction.

(d) ELECTRONIC ACKNOWLEDGEMENT OF CERTAIN ELECTRONIC FILINGS.—Before the end of the 1-year period beginning on the date of the enactment of this Act, the Director of the Financial Crimes Enforcement Network shall put into effect a system for promptly furnishing an electronic acknowledgement of receipt to any institution that files a form with FinCEN under subchapter II of chapter 53 of title 31, United States Code, through the Network's electronic filing system.

**SEC. 704. 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 5313(a) 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 current exemption provisions; and

(3) mitigate the difficulties in the current implementation 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 on the findings and conclusions of 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 91-508, and section 21 of the Federal Deposit 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 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 under regulations 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; and

(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 description of the findings and conclusions of the Secretary in connection with the study required under subsection (a), together with such recommendations for legislative or administrative action as the Secretary may determine to be appropriate.

(2) PROTOTYPE.—Any recommendation on the feasibility of developing and implementing interfaces and templates for use in electronic communications shall be accompanied by prototypes of such interfaces and templates that demonstrate such feasibility.

(d) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) INTERFACE.—The term “interface” means the point and method of interaction between any 2 or more electronic data storage and communication systems that permits and facilitates active electronic communication between or among the systems, including any procedures, codes, and protocols that enable the systems to interact.

(2) TEMPLATE.—The term “template” means a preestablished layout model using word processing or other authoring software that ensures that data entered into it will adhere to a consistent format and content scheme when used by

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 current Financial Action Task Force designation system does not adequately represent the progress countries are making in combatting 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 combatting 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 a country of 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 that 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 to the government of each such country of concern technical assistance to cease 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 “financial institution” has the meaning given that term in section 5312(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 in this section 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 to money 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 to—

(A) clarify the 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 allies in the wars 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 underground 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 remain in the mainstream financial system 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) **AMENDMENT TO TABLE OF 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 the following new items:

“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. 1463(a)) is amended by striking “(a) FEDERAL SAVINGS ASSOCIATIONS.—” and inserting “(a) GENERAL RESPONSIBILITIES OF THE DIRECTOR.—”.

(2) The section 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(3), strike “and” after the semicolon.

(2) In section 101(5), strike the terms “account account” and “account accounts” each place any such term appears and insert “account”.

(3) In section 107(a)(5)(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)(7)(E) (as so designated by section 303 of this Act), strike “the Federal Home Loan Bank Board,” and insert “the Federal Housing Finance Board,”.

(7) In section 107(a)(9) (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(16))”.

(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 Code.”.

(11) In section 201(b)(5), strike “section 116 of”.

(12) In section 202(h)(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(e)(3)(D), strike “and” after the semicolon at the end.

(15) In section 206(f)(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(t)(2)(B), insert “regulations” after “as defined in”.

(18) In section 206(t)(2)(C), strike “material affect” and insert “material effect”.

(19) In section 206(t)(4)(A)(ii)(II), strike “or” after the semicolon at the end.

(20) In section 206A(a)(2)(A), strike “regulator agency” and insert “regulatory agency”.

(21) In section 207(c)(5)(B)(i)(I), insert “and” after the semicolon at the end.

(22) In the heading for subparagraph (A) of section 207(d)(3), strike “TO” and insert “WITH”.

(23) In section 207(f)(3)(A), strike “category or claimants” 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 “5136A” and inserting “5136B”.

(b) Section 5239 of the Revised Statutes of the United States (12 U.S.C. 93) 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 (e).

**SEC. 804. REPEAL OF OBSOLETE 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—

(1) in subsection (c)(2), by striking subparagraphs (I) and (J); and

(2) by striking subsection (m) and inserting the following new subsection:

“(m) [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. 1843(h)) are each amended by striking “(G), (H), (I), or (J) of section 2(c)(2)” and inserting “(G), or (H) of section 2(c)(2)”.

**TITLE IX—FAIR DEBT COLLECTION PRACTICES ACT AMENDMENTS**

**SEC. 901. EXCEPTION FOR CERTAIN BAD CHECK ENFORCEMENT PROGRAMS.**

(a) **IN GENERAL.**—The Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.) is amended—

(1) by 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 (c), 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, supervision and control of such State or district attorney, operates the pretrial diversion program described in paragraph (1); and

“(3) in the course of performing 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 program referred to in such paragraph only—

“(i) as a result of any determination by the State or district attorney that sufficient evidence of a bad check violation under State law exists and that contact with the alleged offender 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

“(F) charges only fees in connection with services under the contract that—

“(i) have been authorized by the contract with the State or district attorney; and

“(ii) conform with the 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 in section 803(6)(C), with respect to 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)(2) can 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; or

“(2) participated in a pretrial diversion program in the 18 months prior to issuing the bad check under consideration.

“(c) CERTAIN CHECKS EXCLUDED.—A check is 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 dishonored because of 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 by 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.

“(d) 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 prosecuting attorney in a district, county (as defined in section 2 of title 1, United States Code), municipality, or comparable jurisdiction, including State attorneys general who act as chief elected 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(6) 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 presentment 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, or false or altered check account number; or

“(B) was refused payment by the financial institution or other drawee for lack of sufficient funds and the issuer failed to pay the full amount of the check, together with reasonable costs as permitted by State law—

“(i) after receiving written notice from the holder of the check that payment was refused by the drawee financial institution to the extent that 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.”.

(b) CLERICAL AMENDMENT.—The table of sections for the Fair Debt Collection Practices Act is amended—

(1) by redesignating the item relating to section 818 as section 819; and

(2) by inserting after the item relating to section 817 the following new item:

“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. 1692g) is amended by adding at the end the following new subsection:

“(d) LEGAL PLEADINGS.—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. 1692g) 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 request 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) ESTABLISHMENT OF RIGHT TO COLLECT WITHIN THE FIRST 30 DAYS.—Section 809(b) of the Fair Debt Collection Practices Act (15 U.S.C. 1692g(b)) is amended by striking “If the consumer” and inserting “Collection activities and communications may continue during any 30-day period referred to in subsection (a). However, if the consumer”.

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, plus a new title addressing Bank Secrecy Act issues and over 20 other new sections. Mrs. CAPITO also deserves recognition for her longstanding 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

from both Federal and State regulatory authorities, the banking thrift and credit union industries, and the Financial Crimes Enforcement Network. Last November, the Committee on Financial Services approved H.R. 3505 by a vote of 67-0. The bill was sequentially referred to the Committee on the Judiciary, which approved it last month by a voice vote.

Mr. Speaker, the financial services industry is laboring under an enormous regulatory burden. While many of the regulations 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 so they can 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 counter-terrorist 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 organizations. 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 technical amendments are made to several banking statutes.

The bill's title VII, Bank Secrecy Act Compliance Burden Reduction, addresses financial institutions' concerns that some of the work they are being asked to do in the fight against financial crimes is unnecessary or duplicative.

I would like to thank former FinCEN Director Fox, Mr. HENSARLING, and Chairman BACHUS, as well as Mr. FRANK and Mr. GUTIERREZ, for their efforts in creating this title which balances law enforcement's needs with the industry's very real concerns about excessive burdens.

The first section of title VII focuses on reducing the number of currency

transaction reports, or CTRs, that must be filed by institutions on transactions involving 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 deposit by a large discount store. 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 bipartisanship, 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 businesses and for consumers.

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 can yield positive results. 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 staffs' 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 regulators have a responsibility 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 have tried 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 \$29 billion. As these businesses have prospered, so too have they faced increasing requirements to comply with both old and new regulatory burdens, including some 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 terrorist financing 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 gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for yielding me this time and for his leadership on this 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



several provisions dealing with issues that are of special concern to me, such as the extraordinary burden of compliance under which our financial institutions are required to operate.

Wherever I go in my district, smaller institutions tell me how hard and costly it is to comply with the new requirements of the Bank Secrecy Act, to file currency transaction reports, and to comply with the new requirements of the PATRIOT Act Know Your Customer requirements. They say these requirements in many cases are redundant and are excessively burdensome. The burdens are particularly heavy for smaller institutions.

I worked with Representative RENZI to develop the language in this bill that eliminates unnecessary currency transaction reports so that banks can focus on suspicious activity reports, or SARS, which are a much more useful tool, according to law enforcement, to track money laundering and terrorist financing.

This measure was proposed by the Treasury Department and law enforcement. We heard from FinCEN, the lead agency on money laundering, that the masses of useless CTRs being filed impeded law enforcement and were often not even looked at. And the General Accounting Office, the independent body that reviews government activities, confirmed that in a report last year also supporting streamlining the process. The banking regulators also expressed strong support for this proposal. OCC and OTS both agreed with FinCEN that the CTR filing process had become counterproductive in terms of national security.

This bill also includes other provisions relieving the unnecessary burden on 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 in 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 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, and, most importantly, the consumers in our country, making it easier and cheaper to receive financial services.

□ 1315

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.

Our government has a duty to inform its citizens of risks in doing business with countries that are not doing enough to protect their financial institutions from money laundering and terror finance, Dubai and the UAE, for instance. This bill gives our government a cost-free, simple means to do it. I urge the House to join with me in passing this bill.

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

Mr. OXLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (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 has a potential to save somewhere 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 commend this product.

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

Mr. OXLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. HENSARLING), the author of this legislation.

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

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 to 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. FRANK of Massachusetts) 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 particularly 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 consolidations 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, community-based 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 lifeblood 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 charitable contributions each year to community groups in Henderson County, Texas, the American Heart Association, Meals on Wheels, Disabled

American Veterans, and the East Texas Arboretum, to name a few. This bank has funded a local employer, Texas Ragtime, that has 90 employees, not to mention the jobs that they helped create at Nelson's Henderson County Door and Futurematrix Medical Devices. Last year 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 Ragtime. 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 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 terrorist financing.

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 reserve the balance of my time.

Mr. OXLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. GILLMOR).

Mr. GILLMOR. Mr. Speaker, I thank my distinguished chairman for yielding me this time, and I want to thank Chairman OXLEY and Chairman BACHUS, as well as Mr. HENSARLING and Mr. FRANK, for their diligence on this critical piece of legislation.

There is little doubt that our regulatory structure has contributed to the United States becoming the model for the world when it comes to financial

services. But without the constant attention to the burdens of outdated rules and regulations, our markets can be dragged down by unnecessary costs.

I am pleased to see that the bill incorporates my compromise with Ranking Member FRANK regarding so-called industrial loan companies. It remains my belief that these institutions need to be reined in, and that the historic wall separating banking from commerce has to remain strong. There is no reason to treat one type of financial institution, an ILC, in a more favorable way than we treat other financial institutions.

So I think if this bill reaches the President's desk, which I hope it will, we have helped ensure that our depository institutions remain the most efficient in the world.

Mr. MOORE of Kansas. Mr. Speaker, I yield myself the balance of my time.

I want to thank Mr. HENSARLING, who was not here when I thanked Members, and I thank the gentleman for the opportunity to work with him.

I also would like to thank the subcommittee chairman, Mr. BACHUS, and thank the chairman of the full committee, Chairman OXLEY.

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

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

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 (Mr. TERRY). 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 question was taken.

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

Mr. OXLEY. 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. 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 asked by 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. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. George Miller of California moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2830 be instructed—

(1) to agree to the provisions contained in section 403 of the Senate amendment (relating to special funding rules for plans maintained by commercial airlines that are amended to cease future benefit accruals) and section 413 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 direct payment of 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 there is no reasonable likelihood the plan sponsor would terminate the plan in bankruptcy.

□ 1330

The SPEAKER pro tempore (Mr. TERRY). 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 and extend his 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 management 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 addresses two urgent issues. 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 more 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 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 without 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 their families.

Let us just be very clear about this. These are not 401(k) investments that went wrong in a bad market, these pen-

sion 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 these employees, 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 going to be 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 plans 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 worked through its difficulty, or whether they would have it terminated.

The motion would also support the Senate provision to provide full Pension Guaranty Corporation retirement protection up to the maximum guaranteed amount, about \$47,000, 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 said they had 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 termination 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 credit to allow people to deposit a portion of their tax refunds into savings accounts. Let us keep these airline plans going so 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 ef-

forts 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 status quo. Plans will continue 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 process 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 process is the Democrats' attempt to end run 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.

Let me deal with one provision 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 don't want our 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. Does the gentleman from California continue to reserve his point of order?

Mr. MCKEON. I continue to reserve that point of order.

Mr. Speaker, I now yield such time as he may consume to our subcommittee chairman of the Employee-Employer Relations Subcommittee, the distinguished gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise in opposition to the Democratic motion to instruct conferees. You know, I voted for a bill that will strengthen pension plan funding. I want pension plans to have the right amount of money to pay benefits as promised. It is crazy to require overfunding, but it is also crazy to allow more time for them to recover. I mean, if, in fact, those plans were well managed, as the gentleman just said, we wouldn't be in this fix we are in.

Too many companies make bigger promises than they can pay for, and they dump their underfunded pension plans on the PBGC. We are facing an ocean of red ink at the PBGC, and we need to be sure that companies put their money where their mouth is.

I think that since we marked up our bill, we have heard from many sources that some of the bill needs to be modified in conference. We need to go to conference without restrictions. We need to be able to negotiate with our colleagues from the Senate to get a great bill signed into law. This Democrat motion would weaken the House bill, and I can't support pretending that plans aren't healthy.

We need to be very clear with the pension plan sponsors and employees who are expecting benefits out of these plans there needs to be adequate funding to make good on the private promises. Unfortunately, fewer Americans every year are lucky enough to have one of these defined benefit plans. We are backed up by the Federal Government.

We need to strike the right balance in pension funding rules so that the

correct amount of money is there to pay benefits. The House bill is pretty close to the right answer. We should oppose the Democrat motion to undermine the good work of this House that was passed by a vote of 294 Members, and let us work with the Senate for a great bill.

Mr. MCKEON. Mr. Speaker, I withdraw my reservation of the point of order.

The SPEAKER pro tempore. The reservation is withdrawn.

Mr. GEORGE MILLER of California. Mr. Speaker, I recognize the gentleman from Massachusetts (Mr. TIERNEY) for 3 minutes.

Mr. TIERNEY. 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 beyond their control.

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 a 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 that 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 restore pensions before they are allowed to go into bankruptcy court and wipe them out while enhancing the position of the CEOs and other management people.

□ 1345

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 actually than the plans for retirement that they have now.

This motion to instruct conferees 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 the Senate provision to provide full Pension Benefit Guaranty Corporation retirement protections for pilots that are forced to retire at age 60. As Mr. MILLER says, they are getting a double-whammy now, and they should not have to face that situation.

The motion would also make permanent the Saver Tax Credit, urging conferees to accept the House provision for the credit that provides a matching 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 subcommittee chairman of 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 rise to oppose this Democrat motion.

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, and FSA rollover, which many of my friends on the other side are vitally interested in as well. So this motion to instruct is really incomplete, and I

would urge all Members to vote against it.

With regard to airlines, I am vitally interested in the viability of our airline industry and certainly their ability to provide pensions for their employees. But I think to simply accept the Senate language would not allow us to go to conference and deal with the airline issues in a comprehensive and thorough way in conference.

So I would urge Members, especially those Members interested in the airline issue, to oppose this motion to instruct.

Mr. GEORGE MILLER of California. 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 airline pension plans of 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 these healthy pension plans which are more likely to push them into disrepair and 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 permanently enshrine in the law the savers credit. The savers credit has been used by more than 5 million Americans in recent years. These are Americans who wait on tables, fix engines, work in child care centers, who have managed to squeeze out just a little bit of what is left out of their paycheck to put it away into a retirement plan. Wisely, Uncle Sam matches a part of that small savings from that worker to try to encourage more people to do that. This is good for those families, it is good for the country's economy, it is good for the Social Security system.

That credit is due to expire at the end of 2008. This resolution 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 propositions. 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 take this 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 whole lot better about this debate if it were being carried out 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 reacted in 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 upon the conferee, 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 have every responsibility to reject it, because it means then other provisions that you chose not to pick, which you

were not successful on, should not be dealt with in conference, and that isn't the way the world works. The majority will carry forward, not just the Savers Credit, but the other good components in the bill.

You can be assured that we are very, very concerned about airlines. We are so concerned that we didn't spend time spinning our wheels on the floor trying to determine who should be rewarded and who should not. We are going in there with total flexibility to try to solve the problem, and we will do the best we can to address the problem.

I will just have to tell you that to the degree we play political games, as indicated by the gentleman from Massachusetts' speech in terms of class warfare, once again we may run the chance of failing in the conference. We cannot afford that chance. And if we are successful in conference, we are going to have to convince the administration to sign the bill.

This is the time to be prudent, to turn down that wick of partisan rhetoric, get serious about trying to begin to solve an institutional, demographic, and economic structural problem. I want to go to conference with maximum flexibility in taking the House position and solving the other problems that need to be solved.

Please. You have every right to offer it. We should reject it. Let us get on to the conference so we are dealing with real issues instead of imagined political ones that continue to seem to be the primary motivation of the minority party in this House.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 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, contrary to what the chairman said, this isn't games playing. This is not partisanship. 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 direction set by the current House and Senate pension 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 us how their proposals would affect specific industries.

Our motion includes a critical provision 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 asked and was given permission to revise and extend his remarks.)

□ 1400

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 are biased against such companies, which will be faced with onerous funding requirements in the event of the shutdown of a facility. The workers, of course, would be the ulti-

mate 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 benefit reforms. Conferees must 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 harm older 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 the plans must protect the accrued benefits of employees, and the conference report should reflect that reality.

Finally, I strongly support a provision 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, then 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 of the American 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. The American people 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. Are we going to be 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 Con-

gress 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 what this looks like on a chart: 29,700 pension plans in force, 17,800 of them to be frozen under the 60 percent proposal. The administration has not considered it.

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 Savers Summit, I heard a committee chairman say he prefers the 401(k) to pensions. Why, he 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. McKEON. 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, get 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 use the PBGC, the Pension Benefit Guaranty Corporation, just as a convenient tool to discharge in 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 a vote on airlines. Now we are going into a conference committee, and the Republicans say, oh, everything is going to be just fine. And yet we know that already this conference committee is starting to attract attention, that this may be a vehicle for other measures that are unable to move in this Congress.

And so we do not know what is going to be in play. So we wanted to make sure that the Members of the House have the opportunity to say that these airlines ought to be able to try and work this out.

The other factor is that time is running against these airlines. They are

going to have to declare and make a decision relatively soon.

We do not know if this conference is going to be committed. So it is just a question for the Members, do you or do you not want to be able to be on record to suggest that this would be better treatment for these employees, hopefully for these companies, than what happened under the United pension plan.

You saw what Mr. POMEROY said: many, many business executives, people involved in the pension business, have looked at this bill, and they have said that this bill is going to make it more difficult, make it more costly and probably lead to additional terminations.

The Pension Benefit Guaranty Corporation, the people that handle this problem when all else fails, told us this is worse than current law. Now, you can ride that animal if you want, but you may also, if you are deeply concerned about the airline employees in your area, you may also want to vote for this motion to instruct so we send a clear message to the House conferees and the committee, have refused to have this vote at any stage of the process, that we be allowed to have a vote, and that we support the effort of having the airlines be able to work this provision out.

That is what this motion to instruct does. It is important. It is important to the airlines. It is important to the employees. It is important to their families. It is important to how we look at solving this difficult problem of holding onto people's 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 previous 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 yeas 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. RES. 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 warning notification requirements, 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 five-minute 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 as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. 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 except one motion to recommit with or without instructions.

□ 1415

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

Mr. GINGREY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the 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 this 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 may be 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 debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to an amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points 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 resume 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 I mentioned last week, currently food regulation is composed of a variety of different and sometimes inconsistent State requirements. Collectively, this hodgepodge of regulations not only inhibits interstate commerce, but it also drives up the cost for consumers.

Mr. Speaker, these different regulations from State to State for the same product create too many unnecessary costs and they jeopardize the well-being of consumers nationwide. Make no mistake, businesses cannot simply and completely absorb these unnecessary and additional costs, and therefore the consumers across this Nation, they are the ones who absorb the expense for labeling inconsistencies.

Without question, lower-income citizens truly feel the brunt of any additional cost to their food bill. Feeding one's family is not optional, and therefore any reduction to the cost of food will lower the cost of food products and help to ensure food on every table regardless 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 regardless of geography have this knowledge. 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 opponents. I have heard some say this bill is an assault on States rights. Well, I am an ardent supporter of States rights and I can attest this legislation is not designed to step on any State's toes. This bill does, however, guarantee all citizens access to the same information and warnings concerning their food while ensuring States not only can petition for their labeling requirement to be made part of the national standard, but they also can obtain a waiver for their State's requirement even though it need not be applicable to the other 49.

Mr. Speaker, H.R. 4167 is a common-sense piece of legislation that not only seeks to ensure nationwide knowledge of potentially lifesaving information

but also to drive down costs for all consumers.

I urge my colleagues on both sides of the aisle to support the rule and move forward with a thoughtful debate on the amendments and support final passage of the underlying legislation.

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

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

Mr. Speaker, the bill before us addresses a fictional problem. Simply put, the Nation's largest food companies think that States are giving consumers too much information about the food they use to feed their families.

Along with the corporate lobbyists who wrote this bill, and we all know who they were because the paper printed them this week, these companies think it is wrong that States tell people when the bottled water on their supermarket shelves has high levels of arsenic.

They think it is wrong to inform a pregnant woman that eating mercury-laden fish could do serious damage to a fetus. And what about letting people know that their ground beef was treated with carbon monoxide? That apparently is wrong too. And I want to elaborate on that for just a moment. Many stores now buy their meat from common suppliers instead of having their own butchers at hand. In order to keep it looking fresh and looking better for a longer time, they treat it with carbon monoxide. You know, if you die from carbon monoxide poisoning, you turn a nice, bright, pink-red, which is what their meat does, and then they can keep it even for months. I saw a picture of one from November that it looked like it had just been butchered yesterday.

That is apparently wrong too. Do you want to eat that?

They want us to buy more and think less about health and safety and that alone is the motivation behind this bill. Supporters of the bill claim all they want to do is to make consumer protections the same for all Americans. 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 Administration even requires. In fact, 80 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 experience, and are needed to keep consumers 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 paltry. They will 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 the FDA cannot do that. But suddenly the party of States' rights and small government wants to forget about both. Instead, it wants to send quality State regulations that are protecting Americans into a bureaucratic black hole.

Mr. Speaker, the people and organizations most concerned about the safety of our Nation's food stand in strong opposition to this bill. Attorneys General and public health and safety officials from all over the United States, in fact most of them, if not all 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 Representative 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 the legislation will gravely impair State and local authorities' ability to protect their constituents.

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 Agriculture (NASDA) is writing to reiterate our concern and strong opposition to H.R. 4167, the National Uniformity for Foods Act. NASDA represents the commissioners, secretaries and directors of the state departments of agriculture in the fifty states and four territories.

The House is scheduled to vote on H.R. 4167 this week and we urge you to oppose this legislation. The state departments of agriculture are very concerned that this bill goes far beyond its stated purpose of providing uniform food safety warning notification requirements and greatly expands federal preemption under the Food, Drug and Cosmetics Act. Such additional preemptions would seriously compromise our ability to enact laws and issue rules in numerous areas of food safety. Specifically, we believe 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 at 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. Passage of this 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 welcome the opportunity to discuss ways 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 more than 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 expressed their willingness to talk to Congress about the issue, but they were turned away. These dedicated public servants were ignored because this legislation could never have withstood proper scrutiny. It was written with special interests in mind, not the public interests, pure and simple.

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 need 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, in particular, meat, maintain their redness and fresh appearance for a longer period of time. There is absolutely, absolutely no evidence whatsoever that the process that has been in place and approved by the FDA for more than 4 years in any way, shape or form is harmful. So that is the reason why that particular amendment was not made in order.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. Mr. Speaker, I have never made a speech like this before. I am cosponsor of this bill. I think like a businessman, because our companies do need uniformity and simplicity. But I am outraged that a bill like this would come through the House of Representatives without a single hearing. That is the job of Congress, to hold hearings, to find out the facts, to listen to the debate, to sometimes participate in the debate to hear the pros and cons.

I am wondering right now what the food industry is afraid of. Why are they trying to ram this piece of legislation through this House?

Now, if we were 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all Members to direct their remarks to the Chair, not to the television audience.

□ 1430

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 a cosponsor on the bill and in all probability 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 wipes 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 health issues, 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 top or the brown 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 become severely ill from a food-borne 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 \$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 packaged with carbon monoxide, but these laws will be overturned if H.R. 4167 becomes law. My commonsense amendment would have allowed States to

label carbon monoxide-packaged meat so consumers would know that their meat may not be as fresh as it looks. Unfortunately, my amendment was rejected by the Rules Committee. This is what consumers have to work with now. This will be the standard if H.R. 4167 passes.

Just as the FDA caved in to the meat industry in approving this practice, the majority has caved in to the meat industry in blocking a vote on my amendment. The House deserves a full and open and fair debate on this issue and on my amendment.

I urge a "no" vote on the rule and a "no" vote on H.R. 4167.

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 across the Nation that support this, small businessmen and women, large businesses, including the H.J. Heinz Company and many, many others.

GROUPS SUPPORTING H.R. 4167—THE NATIONAL UNIFORMITY FOR FOOD ACT OF 2005  
Last Updated: February 27, 2006.

Ahold, Albertson's, Altria Group, Inc., American Bakers Association, American Beverage Association, American Feed Industry Association, American Frozen Food Institute, American Plastics Council, American Meat Institute, American Spice Trade Association, and Animal Health Institute.

Apple Products Research and Education Council Association for Dressings and Sauces, Biscuit and Cracker Manufacturers Association, Bush Brothers & Company, Business Roundtable, Cadbury Schweppes plc, California Farm Bureau Federation, California Grocers Association, California League of Food Processors, California Manufacturers & Technology Association, Calorie Control Council, and Campbell Soup Company.

Cargill, Incorporated, Chocolate Manufacturers Association, The Coca-Cola Company, Coca-Cola Enterprises Inc., ConAgra Foods, Inc., Council for Citizens Against Government Waste, Dean Foods Company, Del Monte Foods, Diamond Foods, Inc., Flavor & Extract Manufacturers Association, and Flowers Foods, Inc.

Food Marketing Institute, Food Products Association, Frito-Lay, Frozen Potato Products Institute, General Mills, Inc., Gerber Products Company, Glass Packaging Institute, Godiva Chocolatier Inc., Grain Foods Foundation, Grocery Manufacturers Association, and H.J. Heinz Company.

The Hershey Company, Hoffmann-La Roche Inc., Hormel Foods Corporation, Independent Bakers Association, Institute of Shortening and Edible Oils, International Association of Color Manufacturers, International Bottled Water Association, International Dairy Foods Association, International Food Additives Council, International Foodservice Distributors Association, and International Formula Council.

International Ice Cream Association, International Jelly and Preserves Association, The J.M. Smucker Company, Jewel-Osco, Kellogg Company, Kraft Foods, Inc., Land O' Lakes, Inc., Maine Potato Board, Masterfoods USA, McCormick & Company, Inc., and McKee Foods Corporation.

Milk Industry Foundation, The Minute Maid Company, National Association of Con-

venience Stores, National Association of Manufacturers, National Association of Margarine Manufacturers, National Association of Wheat Growers, National Association of Wholesaler-Distributors, National Cattleman's Beef Association, National Cheese Institute, National Chicken Council, and National Coffee Association of USA.

National Confectioners Association, National Fisheries Institute, National Frozen Pizza Institute, National Grape Cooperative Association, National Grocers Association, National Institute of Oilseed Products, National Milk Producers Federation, National Pasta Association, National Pecan Shellers Association, and National Pork Producers Council.

National Potato Council, National Restaurant Association, National Turkey Federation, Nestle USA, North American Millers' Association, Osco Drug, O-I, Peanut and Tree Nut Processors Association, Pepperidge Farm Incorporated, PepsiCo, Inc., and Pickle Packers' International.

The Procter & Gamble Company, Quaker Oats, Rich Products Corporation, Rich SeaPak Corporation, Safeway, Sara Lee Corporation, Sav-on Drugs, The Schwan Food Company, Snack Food Association, Society of Glass and Ceramics Decorators, and Supervalu Inc.

Target Corporation, Tortilla Industry Association, Tropicana, Unilever, United Fresh Fruit and Vegetable Association, U.S. Chamber of Commerce, Vinegar Institute, Welch Foods, Inc., Winn-Dixie, Wm. Wrigley Jr. Company, and Yoplait.

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, I would not think that he would be 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, this story is more a result of private companies with older 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 meat and fish, as the gentleman knows, the FDA just issued their rule not even 3 weeks ago, 4 weeks ago, and they did it without any independent studies. They just said they just reviewed it, no study, no research, no nothing.

So what you may use lemon juice on apples is a far cry different than carbon monoxide on meat and seafood, and especially tuna, which most people consume in a raw state.

Mr. GINGREY. Mr. Speaker, reclaiming my time, as I say, this process has been going on for over 4 years. I do not know that there have been any reports of people harmed in any way by the process, and, again, I think this is just a competitive issue between a company that has herbal food or herbal products

they are using and they would rather those be used, and, sure, ban the other process and remove competition.

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

Ms. SLAUGHTER. Mr. Speaker, I yield myself 30 seconds to say to my friend that there is a far cry between lemon juice, as Mr. STUPAK said, and carbon monoxide. Let me tell you, if you believe the FDA, ask the people who took Vioxx. They do not have a very good record over there.

But the idea of putting carbon monoxide on there is to hide the fact that the meat is on the verge of spoilage. I do not want to feed it to my family, nor should you want to feed it to yours.

His list of people who support it have the profit motive that the attorneys general and the State consumer representatives all told us was the difference between them and his supporters.

Mr. Speaker, I yield 3 minutes 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 passing 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, and there is no excuse for not doing 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 rule in order to allow consideration 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 intent on exploiting or targeting the maritime transportation system to strike at the United States."

Five years after the catastrophic attacks of September 11, there is simply no excuse for 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 unnecessary 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 fired 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 on this rule, he claimed this is a bill that is well-balanced, thought through; it would lead to national regulations based on science. That all sounds well and good, but it is just not true.

□ 1445

This bill has never had a day of hearings. We don't know all that is in this bill. You wonder why the Congress would do its work in this way: a bill that has never had a hearing in the committee, even though it has been around for three Congresses. Those who favor it have never made a record of why they think it is necessary. The opponents from most of the States, if you look at this map there are a few States

we have not heard from, but almost all the States attorneys general and Governors and agriculture commissioners and the food and drug people in those States oppose it, but they have never been able to come in and tell the Congress why. So the other side has never had a chance, nor has our 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 it sounded so good that 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, not even elected 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 hiding from us? Why don't 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 by the people's elected Representatives? 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 3 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, many 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 uniformed 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 requirement 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. 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. GINGREY. Reclaiming my time, Mr. Speaker, and certainly the gentleman is right, I do honor and respect States rights, but the fact that there are 200 laws today in the 50 States, there could be 800 a year from now and there could be no end to this process.

I think in further responding to the gentleman's inquiry, certainly it is appropriate that States in these situations would appeal to the Federal Government, if you will, the FDA. And the decision to either grant or not grant is not going to be based on anything but solid science, on sound facts and not scare issues, like this issue over the way meats or other foods are processed in a low-oxygen environment to maintain their fresh appearance and their red color, that we have been doing for 4 years in a perfectly safe manner.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 30 seconds 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? And I suspect they 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 and unhealthy 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 the ability 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 passing a law that is going to make certain that the food that they are eating there is not going to cause them to be ill, 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 and welfare 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's 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 regulation (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 Center for Science in the Public Interest, the 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 rushing to get to the floor a 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 this to the floor.

The number one issue, I trust in most Members' districts, it sure is in mine, is the urgent pendency of a deal that would turn over major port operations throughout this country to a company wholly owned by the United Arab Emirates, an ally of rather questionable and debatable standing with the United States.

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 cannot make it to the floor at all.

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 gentleman 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 the leading 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 commerce.

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 agreement that our vessels, our containers, and ports are potential terrorist targets, this administration approved a deal allowing a United Arab Emirates-controlled company to oversee operations at six major U.S. ports, including the Port of Philadelphia.

□ 1500

My colleagues, this administration quietly tried to move this deal forward without informing Congress or without informing the American public. Even knowing the serious threats against us, this administration relinquished its right to conduct an in-depth national security investigation of this proposed acquisition and, instead, approved the deal. It is unacceptable that this administration was prepared to allow a country whose key agencies, including security and monetary agencies, have allegedly been infiltrated by al Qaeda; and in fact, this was a country which was the port of origin for two of September 11's hijackers, and they want this company controlled by this country to operate vital U.S. ports.

This administration has behaved with no accountability and no responsibility regarding U.S. oversight and control of our ports. For years, despite knowing the needs and the threats, this administration repeatedly turned

a blind eye to port security. Since September 11, this administration has provided only 16 percent of the funds needed to secure our ports, and has neglected to issue security standards for 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 today: Dubai Ports World deal. Clearly we should take up 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 1½ 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 our 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 States have adopted 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 them. So now the State laws 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 Mrs. CAPPS 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 ought to be permitted. 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, and 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. GUTKNECHT). 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 reports this week have 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 courts approved 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 at 16 other American seaports. By 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 operate one of Philadelphia's five terminals, not including the port's single cruise ship terminal.

Last week, DP World formally submitted to an unusual, broader 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.

BEAMONT, 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.

CAMDEN, N.J.: Run some stevedoring operations, part owners Delaware River Stevedores.

CORPUS CHRISTI, TEXAS: Operate some stevedoring operations, part of joint venture, Dix-Fairway.

DAVISVILLE, R.I.: Run some stevedoring operations.

FREEMONT, TEXAS: Run some stevedoring operations.

GALVESTON, TEXAS: Run stevedoring operations at one terminal.

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.

MIAMI: Operate/manage with Eller & Company Inc., one of three terminals; doesn't include Miami's seven cruise ship terminals and would operate some stevedoring services.

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.

PHILADELPHIA: Operate one of five terminals and doesn't include the port's single cruise ship terminal.

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 says will reconsider 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 then we can deal with this matter which has an urgency to 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 that defeating 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 otherwise would be ruled 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 next 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, which, being ordered, shall have the effect of cutting off all debate and bringing the House to a direct vote on the im-

mediate question or questions on which it has been ordered.

In the case of a special rule or order of business resolution reported from the House Rules Committee, providing for the consideration of a specified legislative measure, the previous question is 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 an immediate 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 Ms. 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 without intervention of any point of order to 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 instructions."

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 otherwise 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 under 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.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not

merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

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

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution \* \* \* [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule \* \* \* When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

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

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

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

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on H. Res. 710 will be followed by 5-minute votes on adoption of H. Res. 710, if ordered; motion to instruct on H.R. 2830; motion to suspend the rules on H.R. 4192; motion to suspend the rules on H.R. 1053; motion to suspend the rules on H. Res. 673; and motion to suspend the rules on H.R. 3505.

The vote was taken by electronic device, and there were—yeas 223, nays 198, not voting 11, as follows:

[Roll No. 21]

YEAS—223

Aderholt	Fortenberry	Marchant
Akin	Fossella	McCauley (TX)
Alexander	Fox	McCotter
Bachus	Franks (AZ)	McCrery
Baker	Frelinghuysen	McHenry
Barrett (SC)	Galleghy	McHugh
Bartlett (MD)	Garrett (NJ)	McKeon
Barton (TX)	Gibbons	McMorris
Bass	Gilchrist	Mica
Beauprez	Gillmor	Miller (FL)
Biggart	Gingrey	Miller (MI)
Bilirakis	Gohmert	Miller, Gary
Bishop (UT)	Goode	Moran (KS)
Blackburn	Goodlatte	Murphy
Blunt	Granger	Musgrave
Boehlert	Graves	Myrick
Boehner	Green (WI)	Neugebauer
Bonilla	Gutknecht	Ney
Bonner	Hall	Northup
Bono	Harris	Nunes
Boozman	Hart	Nussle
Boustany	Hastings (WA)	Osborne
Bradley (NH)	Hayes	Otter
Brady (TX)	Hayworth	Oxley
Brown (SC)	Hefley	Paul
Brown-Waite,	Hensarling	Pearce
Ginny	Herger	Pence
Burgess	Hobson	Peterson (PA)
Buyer	Hoekstra	Petri
Calvert	Hostettler	Pickering
Camp (MI)	Hulshof	Pitts
Campbell (CA)	Hunter	Poe
Cannon	Hyde	Pombo
Cantor	Inglis (SC)	Porter
Capito	Issa	Price (GA)
Carter	Istook	Pryce (OH)
Castle	Jenkins	Putnam
Chabot	Jindal	Radanovich
Chocola	Johnson (CT)	Ramstad
Coble	Johnson (IL)	Regula
Cole (OK)	Johnson, Sam	Rehberg
Conaway	Jones (NC)	Reichert
Crenshaw	Keller	Renzi
Culberson	Kelly	Reynolds
Davis (KY)	Kennedy (MN)	Rogers (AL)
Davis, Jo Ann	King (IA)	Rogers (KY)
Davis, Tom	King (NY)	Rogers (MI)
Deal (GA)	Kingston	Rohrabacher
DeLay	Kirk	Ros-Lehtinen
Dent	Kline	Royce
Diaz-Balart, L.	Knollenberg	Ryan (WI)
Diaz-Balart, M.	Kolbe	Ryun (KS)
Doolittle	Kuhl (NY)	Saxton
Drake	LaHood	Schwarz (MI)
Dreier	Latham	Sensenbrenner
Duncan	LaTourette	Sessions
Ehlers	Leach	Shadegg
Emerson	Lewis (CA)	Shaw
English (PA)	Lewis (KY)	Shays
Everett	Linder	Sherwood
Feeney	LoBiondo	Shimkus
Ferguson	Lucas	Shuster
Fitzpatrick (PA)	Lungren, Daniel	Simmons
Flake	E.	Simpson
Foley	Mack	Smith (NJ)
Forbes	Manzullo	Smith (TX)

Sodrel  
Souder  
Stearns  
Sullivan  
Tancredo  
Taylor (NC)  
Terry  
Thomas  
Thornberry

Tiaht  
Tiberi  
Turner  
Upton  
Walden (OR)  
Walsh  
Wamp  
Weldon (FL)  
Weldon (PA)

Weller  
Westmoreland  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wolf  
Young (AK)  
Young (FL)

NAYS—198

Abercrombie  
Ackerman  
Allen  
Andrews  
Baca  
Baird  
Baldwin  
Barrow  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boren  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Brown (OH)  
Brown, Corrine  
Butterfield  
Capps  
Capuano  
Cardin  
Cardoza  
Carnahan  
Carson  
Case  
Chandler  
Clay  
Cleaver  
Clyburn  
Conyers  
Cooper  
Costello  
Cramer  
Crowley  
Cuellar  
Cummings  
Davis (AL)  
Davis (CA)  
Davis (FL)  
Davis (IL)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dicks  
Dingell  
Doggett  
Doyle  
Edwards  
Emanuel  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Filner  
Ford  
Frank (MA)  
Gordon  
Green, Al  
Green, Gene

Grijalva  
Gutierrez  
Harman  
Hastings (FL)  
Hersteth  
Higgins  
Holden  
Holt  
Honda  
Hoolley  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
  (TX)  
Jefferson  
Johnson, E. B.  
Jones (OH)  
Kanjorski  
Kaptur  
Kennedy (RI)  
Kildee  
Kilpatrick (MI)  
Kind  
Kucinich  
Langevin  
Lantos  
Larsen (WA)  
Larson (CT)  
Lee  
Levin  
Lewis (GA)  
Lipinski  
Lofgren, Zoe  
Lowey  
Lynch  
Maloney  
Markey  
Marshall  
Matheson  
Matsui  
McCarthy  
McCollum (MN)  
McDermott  
McGovern  
McIntyre  
McKinney  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Melancon  
Michaud  
Millender-  
  McDonald  
Miller (NC)  
Miller, George  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murtha  
Nadler  
Napolitano  
Neal (MA)  
Oberstar  
Obey

Olver  
Ortiz  
Owens  
Pallone  
Pascarell  
Pastor  
Payne  
Pelosi  
Peterson (MN)  
Platts  
Pomeroy  
Price (NC)  
Rahall  
Rangel  
Reyes  
Ross  
Rothman  
Roybal-Allard  
Ruppersberger  
Rush  
Kaptur  
Ryan (OH)  
Sabo  
Salazar  
Sánchez, Linda  
  T.  
Sanchez, Loretta  
Sanders  
Schakowsky  
Schiff  
Schwartz (PA)  
Scott (GA)  
Scott (VA)  
Serrano  
Sherman  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Solis  
Spratt  
Stark  
Strickland  
Stupak  
Tanner  
Tauscher  
Taylor (MS)  
Thompson (CA)  
Thompson (MS)  
Tierney  
Towns  
Udall (CO)  
Udall (NM)  
Van Hollen  
Velázquez  
Vislosky  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Wexler  
Woolsey  
Wu  
Wynn

NOT VOTING—11

Burton (IN)  
Costa  
Cubin  
Evans

Gerlach  
Gonzalez  
Hinojosa

Norwood  
Schmidt  
Sweeney

□ 1535

Mrs. LOWEY, Mrs. CAPPS, Mrs. JONES of Ohio and Messrs. GORDON, MEEHAN, BAIRD and BECERRA changed their vote from "yea" to "nay."

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated for:

Mrs. SCHMIDT. Mr. Speaker, on rollcall No. 21, legislative bells 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 had closed. Had I been present, I would have voted "yea".

The SPEAKER pro tempore (Mr. GUTKNECHT). 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 redesignate 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

Abercrombie	Davis (TN)	Jackson-Lee
Ackerman	Davis, Tom	(TX)
Allen	DeFazio	Jefferson
Andrews	DeGette	Jenkins
Baca	Delahunt	Johnson (IL)
Baird	DeLauro	Johnson, E. B.
Baldwin	Diaz-Balart, L.	Johnson, Sam
Barrow	Diaz-Balart, M.	Jones (NC)
Bean	Dicks	Jones (OH)
Becerra	Dingell	Kanjorski
Berkley	Doggett	Kaptur
Berman	Doyle	Keller
Berry	Duncan	Kennedy (MN)
Bilirakis	Edwards	Kennedy (RI)
Bishop (GA)	Emanuel	Kildee
Bishop (NY)	Emerson	Kilpatrick (MI)
Blumenauer	Engel	Kind
Boehrlert	Eshoo	Kirk
Bonner	Etheridge	Kline
Bono	Everett	Kucinich
Boren	Farr	Cannon
Boswell	Fattah	Cantor
Boucher	Feeney	Lantos
Boyd	Filner	Larsen (WA)
Brady (PA)	Fitzpatrick (PA)	Larson (CT)
Brown (OH)	Foley	LaTourette
Brown, Corrine	Ford	Lee
Brown-Waite,	Frank (MA)	Levin
Ginny	Gerlach	Lewis (GA)
Butterfield	Gibbons	Lipinski
Capps	Goode	LoBiondo
Capuano	Gordon	LoFgren, Zoe
Cardin	Graves	Lowe
Cardoza	Green (WI)	Lynch
Carnahan	Green, Al	Mack
Carson	Green, Gene	Maloney
Case	Grijalva	Manzullo
Chandler	Gutierrez	Marchant
Clay	Harman	Markey
Cleaver	Hastings (FL)	Marshall
Clyburn	Herseth	Matheson
Conyers	Higgins	Matsui
Cooper	Hinchee	McCarthy
Costello	Hobson	McCollum (MN)
Cramer	Holden	McCotter
Crowley	Holt	McDermott
Cuellar	Honda	McGovern
Cummings	Hoolley	McHugh
Davis (AL)	Hoyer	McIntyre
Davis (CA)	Inlee	McKinney
Davis (FL)	Israel	McNulty
Davis (IL)	Jackson (IL)	Meehan

Meek (FL)	Pombo	Slaughter
Meeks (NY)	Pomeroy	Smith (NJ)
Melancon	Price (GA)	Smith (WA)
Michaud	Price (NC)	Snyder
Millender-	Radanovich	Solis
McDonald	Rahall	Spratt
Miller (MI)	Ramstad	Stark
Miller (NC)	Rangel	Strickland
Miller, George	Regula	Stupak
Mollohan	Reichert	Tancredo
Moore (KS)	Reyes	Tanner
Moore (WI)	Rogers (MI)	Tauscher
Moran (KS)	Rohrabacher	Taylor (MS)
Moran (VA)	Ros-Lehtinen	Thompson (CA)
Murphy	Ross	Thompson (MS)
Murtha	Rothman	Tierney
Musgrave	Roybal-Allard	Towns
Nadler	Royce	Udall (CO)
Napolitano	Ruppersberger	Udall (NM)
Neal (MA)	Rush	Upton
Ney	Ryan (OH)	Van Hollen
Oberstar	Sabo	Velázquez
Obey	Sánchez, Linda	Visclosky
Oliver	T.	Walden (OR)
Ortiz	Sanchez, Loretta	Wamp
Otter	Sanders	Wasserman
Owens	Saxton	Schultz
Pallone	Schakowsky	Waters
Pascarella	Schiff	Watson
Pastor	Schwartz (PA)	Watt
Paul	Schwarz (MI)	Waxman
Payne	Scott (GA)	Weiner
Pelosi	Scott (VA)	Weldon (PA)
Peterson (MN)	Serrano	Wexler
Petri	Shaw	Wolf
Pickering	Shays	Woolsey
Platts	Sherman	Wu
Poe	Skelton	Wynn

NAYS—158

Aderholt	Foxx	Miller, Gary
Akin	Franks (AZ)	Myrick
Alexander	Frelinghuysen	Neugebauer
Bachus	Gallagher	Northrup
Baker	Garrett (NJ)	Nunes
Barrett (SC)	Gilchrest	Nussle
Bartlett (MD)	Gillmor	Osborne
Barton (TX)	Gingrey	Oxley
Bass	Gohmert	Pearce
Beauprez	Goodlatte	Pence
Biggert	Granger	Peterson (PA)
Bishop (UT)	Gutknecht	Pitts
Blackburn	Hall	Porter
Blunt	Harris	Pryce (OH)
Boehner	Hart	Putnam
Bonilla	Hastings (WA)	Rehberg
Boozman	Hayes	Renzi
Boustany	Hayworth	Reynolds
Bradley (NH)	Hefley	Rogers (AL)
Brady (TX)	Hensarling	Rogers (KY)
Brown (SC)	Herger	Ryan (WI)
Burgess	Hoekstra	Ryun (KS)
Buyer	Hostetler	Schmidt
Calvert	Hulshof	Sensenbrenner
Camp (MI)	Hunter	Sessions
Campbell (CA)	Hyde	Shadegg
Cantor	Inglis (SC)	Sherwood
Capito	Issa	Shimkus
Carter	Istook	Shuster
Castle	Jindal	Simmons
Chabot	Johnson (CT)	Simpson
Chocola	Kelly	Smith (TX)
Coble	King (IA)	Sodrel
Cole (OK)	King (NY)	Souder
Conaway	Kingston	Stearns
Crenshaw	Knollenberg	Sullivan
Culberson	Kolbe	Taylor (NC)
Davis (KY)	Kuhl (NY)	Terry
Davis, Jo Ann	Latham	Thomas
Deal (GA)	Leach	Thornberry
DeLay	Lewis (CA)	Tiaht
DeLay	Lewis (KY)	Tiberi
Dent	Linder	Turner
Doolittle	Lucas	Walsh
Drake	Lungren, Daniel	Weldon (FL)
Dreier	E.	Weller
Ehlers	McCaul (TX)	Westmoreland
English (PA)	McCrery	Whitfield
Ferguson	McHenry	Wicker
Flake	McKeon	Wilson (NM)
Forbes	McMorris	Wilson (SC)
Fortenberry	Mica	Young (AK)
Fossella	Miller (FL)	Young (FL)

NOT VOTING—9

Burton (IN)	Evans	Norwood
Costa	Gonzalez	Salazar
Cubin	Hinojosa	Sweeney

□ 1548

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

Messrs. DUNCAN, PETRI, WAMP, GRAVES, POE, SCHWARZ of Michigan, JENKINS, NEY, MARIO DIAZ-BALART of Florida, GREEN of Wisconsin, WALDEN of Oregon, HOBSON, ROHRBACHER, MACK and KELLER changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4192.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GOHMERT) that the House suspend the rules and pass the bill, H.R. 4192, 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 409, nays 12, not voting 11, as follows:

[Roll No. 23]

YEAS—409

Abercrombie	Brown (OH)	Deal (GA)
Ackerman	Brown (SC)	DeFazio
Aderholt	Brown, Corrine	DeGette
Akin	Burgess	Delahunt
Alexander	Butterfield	DeLauro
Allen	Buyer	DeLay
Andrews	Calvert	Dent
Baca	Camp (MI)	Diaz-Balart, L.
Bachus	Campbell (CA)	Diaz-Balart, M.
Baird	Cantor	Dicks
Baker	Capito	Dingell
Baldwin	Capuano	Doggett
Barrett (SC)	Cardin	Doyle
Barrow	Cardoza	Drake
Bartlett (MD)	Carnahan	Dreier
Barton (TX)	Carson	Duncan
Bass	Carter	Edwards
Bean	Case	Ehlers
Beauprez	Castle	Emanuel
Becerra	Chabot	Emerson
Berkley	Chandler	Engel
Berman	Chocola	English (PA)
Berry	Clay	Eshoo
Biggert	Cleaver	Etheridge
Bilirakis	Clyburn	Everett
Bishop (GA)	Coble	Farr
Bishop (NY)	Cole (OK)	Fattah
Bishop (UT)	Conaway	Feeney
Blumenauer	Conyers	Ferguson
Blunt	Cooper	Filner
Boehrlert	Costello	Fitzpatrick (PA)
Boehner	Cramer	Flake
Bonilla	Crenshaw	Foley
Bonner	Crowley	Forbes
Bono	Cuellar	Ford
Boozman	Culberson	Fortenberry
Boren	Cummings	Fossella
Boswell	Davis (AL)	Frank (MA)
Boucher	Davis (CA)	Franks (AZ)
Boustany	Davis (FL)	Frelinghuysen
Boyd	Davis (IL)	Gallagher
Bradley (NH)	Davis (TN)	Garrett (NJ)
Brady (PA)	Davis, Jo Ann	Gerlach
Brady (TX)	Davis, Tom	Gibbons

Gilchrest Mack  
 Gillmor Maloney  
 Gingrey Manzullo  
 Gohmert Marchant  
 Goodlatte Markey  
 Gordon Marshall  
 Granger Matheson  
 Graves Matsui  
 Green (WI) McCarthy  
 Green, Al McCaul (TX)  
 Green, Gene McCollum (MN)  
 Grijalva McCotter  
 Gutierrez McCrery  
 Gutknecht McDermott  
 Hall McGovern  
 Harman McHugh  
 Harris McIntyre  
 Hart McKeon  
 Hastings (FL) McKinney  
 Hastings (WA) McMorris  
 Hayes McNulty  
 Hayworth Meehan  
 Hefley Meek (FL)  
 Hensarling Meeks (NY)  
 Herger Melancon  
 Herseth Mica  
 Higgins Michaud  
 Hinchey Millender-  
 Hobson McDonald  
 Hoekstra Miller (FL)  
 Holden Miller (MI)  
 Holt Miller (NC)  
 Honda Miller, Gary  
 Hooley Miller, George  
 Hostettler Mollohan  
 Hoyer Moore (KS)  
 Hulshof Moore (WI)  
 Hunter Moran (KS)  
 Hyde Moran (VA)  
 Inglis (SC) Murphy  
 Inslee Murtha  
 Israel Musgrave  
 Issa Myrick  
 Jackson (IL) Nadler  
 Jackson-Lee Napolitano  
 (TX) Neal (MA)  
 Jefferson Neugebauer  
 Jenkins Ney  
 Jindal Northup  
 Johnson (CT) Nunes  
 Johnson (IL) Nussle  
 Johnson, E. B. Oberstar  
 Johnson, Sam Obey  
 Jones (OH) Olver  
 Kanjorski Ortiz  
 Kaptur Osborne  
 Keller Otter  
 Kelly Owens  
 Kennedy (MN) Oxley  
 Kennedy (RI) Pallone  
 Kildee Pascrell  
 Kilpatrick (MI) Pastor  
 Kind Payne  
 King (IA) Pearce  
 King (NY) Pelosi  
 Kingston Pence  
 Kirk Peterson (MN)  
 Kline Peterson (PA)  
 Knollenberg Petri  
 Kolbe Pickering  
 Kucinich Pitts  
 Kuhl (NY) Platts  
 LaHood Poe  
 Langevin Pombo  
 Lantos Pomeroy  
 Larsen (WA) Porter  
 Larson (CT) Price (GA)  
 Latham Price (NC)  
 LaTourette Pryce (OH)  
 Leach Putnam  
 Lee Radanovich  
 Levin Rahall  
 Lewis (CA) Ramstad  
 Lewis (GA) Rangel  
 Lewis (KY) Regula  
 Linder Rehberg  
 Lipinski Reichert  
 LoBiondo Renzi  
 Lofgren, Zoe Reyes  
 Lowey Reynolds  
 Lucas Rogers (AL)  
 Lungren, Daniel Rogers (KY)  
 E. Rogers (MI)  
 Lynch Rohrabacher

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 Shuster  
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 Davis (KY)  
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 Norwood  
 Salazar  
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 Crowley  
 Cuellar  
 Culberson  
 Cummings  
 Davis (AL)<

Wolf Wu Young (AK)  
Woolsey Wynn Young (FL)

NAYS—2

Goode Taylor (MS)

NOT VOTING—10

Burton (IN) Evans Salazar  
Costa Gonzalez Sweeney  
Cubin Hinojosa  
Drake Norwood

□ 1605

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. DRAKE. Mr. Speaker, on rollcall No. 24, I was meeting with representatives of DOD on Military Health Care issues and did not realize the vote had finished and a new one started—my error. I simply mistimed it. Had I been present, I would have voted “yea.”

**EXPRESSING SUPPORT FOR THE  
REPUBLIC OF BELARUS TO ES-  
TABLISH A FULL DEMOCRACY**

The SPEAKER pro tempore (Mr. GUTKNECHT). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 673.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 673, 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 419, nays 1, answered “present” 2, not voting 10, as follows:

[Roll No. 25]  
YEAS—419

Abercrombie Boehner Carson  
Ackerman Bonilla Carter  
Aderholt Bonner Case  
Akin Bono Castle  
Alexander Boozman Chabot  
Allen Boren Chandler  
Andrews Boswell Chocola  
Baca Boucher Clay  
Bachus Boustany Cleaver  
Baird Boyd Clyburn  
Baker Bradley (NH) Coble  
Baldwin Brady (PA) Cole (OK)  
Bartlett (SC) Brady (TX) Conaway  
Barrow Brown (OH) Conyers  
Bartlett (MD) Brown (SC) Cooper  
Barton (TX) Brown, Corrine Costello  
Bass Brown-Waite, Cramer  
Bean Ginny Crenshaw  
Beauprez Burgess Crowley  
Becerra Butterfield Cuellar  
Berkley Buyer Culberson  
Berman Calvert Cummings  
Berry Camp (MI) Davis (AL)  
Biggert Campbell (CA) Davis (CA)  
Bilirakis Cannon Davis (FL)  
Bishop (GA) Cantor Davis (IL)  
Bishop (NY) Capito Davis (KY)  
Bishop (UT) Capps Davis (TN)  
Blackburn Capuano Davis, Jo Ann  
Blumenauer Cardin Davis, Tom  
Blunt Cardoza Deal (GA)  
Boehlert Carnahan DeFazio

DeGette Delahunt  
DeLauro DeLay  
Dent Kennedy (MN)  
Diaz-Balart, L. Kennedy (RI)  
Diaz-Balart, M. Kildee  
Dicks Kilpatrick (MI)  
Dingell Kind  
Doggett King (IA)  
Doolittle King (NY)  
Doyle Kingston  
Drake Kirk  
Dreier Kline  
Duncan Knollenberg  
Edwards Kolbe  
Ehlers Kuhl (NY)  
Emanuel LaHood  
Emerson Langevin  
Engel Lantos  
English (PA) Larsen (WA)  
Eshoo Larson (CT)  
Etheridge Latham  
Everett LaTourette  
Farr Leach  
Fattah Lee  
Feeney Levin  
Ferguson Lewis (CA)  
Filner Lewis (GA)  
Fitzpatrick (PA) Lewis (KY)  
Flake Linder  
Foley Lipinski  
Forbes LoBiondo  
Ford Lofgren, Zoe  
Fortenberry Lowey  
Fossella Lucas  
Foxy Lungren, Daniel  
Frank (MA) E.  
Franks (AZ) Lynch  
Frelinghuysen Mack  
Gallegly Maloney  
Garrett (NJ) Manzullo  
Gerlach Marchant  
Gibbons Markey  
Gilchrest Marshall  
Gillmor Matheson  
Gingrey Matsui  
Gohmert McCarthy  
Goode McCaul (TX)  
Goodlatte McCollum (MN)  
Gordon McCotter  
Granger McCrery  
Graves McDermott  
Green (WI) McGovern  
Green, Al McHenry  
Green, Gene McHugh  
Grijalva McIntyre  
Gutierrez McKeon  
Gutknecht McKinney  
Hall McMorris  
Harman McNulty  
Harris Meehan  
Hart Meek (FL)  
Hastings (WA) Meeks (NY)  
Hayes Melancon  
Hayworth Mica  
Hefley Michaud  
Hensarling Millender-  
Herseht McDonald  
Higgins Miller (FL)  
Hinchey Miller (MI)  
Hobson Miller (NC)  
Hoekstra Miller, Gary  
Holden Miller, George  
Holt Mollohan  
Honda Moore (KS)  
Hoolley Moore (WI)  
Hostettler Moran (KS)  
Hoyer Moran (VA)  
Hulshof Murphy  
Hunter Murtha  
Hyde Musgrave  
Inglis (SC) Myrick  
Inslee Nadler  
Israel Napolitano  
Issa Neal (MA)  
Istook Neugebauer  
Jackson (IL) Ney  
Jackson-Lee Northup  
(TX) Nunes  
Jefferson Nussle  
Jenkins Oberstar  
Jindal Obey  
Johnson (CT) Oliver  
Johnson (IL) Ortiz  
Johnson, E. B. Osborne  
Johnson, Sam Otter  
Jones (NC) Owens  
Jones (OH) Oxley

Pallone Turner Wasserman Wexler  
Pascrell Udall (CO) Schultz Whitfield  
Pastor Udall (NM) Waters Wicker  
Payne Watson Wilson (NM)  
Pearce Watt Wilson (SC)  
Pelosi Van Hollen Waxman Wolf  
Pence Velázquez Weiner Woolsey  
Peterson (MN) Visclosky Weldon (FL)  
Peterson (PA) Walden (OR) Weldon (PA)  
Petri Walsh Weller Young (AK)  
Pickering Wamp Westmoreland Young (FL)

NAYS—1

Paul

ANSWERED “PRESENT”—2

Hastings (FL) Kucinich

NOT VOTING—10

Burton (IN) Gonzalez Salazar  
Costa Herger Sweeney  
Cubin Hinojosa  
Evans Norwood

□ 1613

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

**FINANCIAL SERVICES  
REGULATORY RELIEF ACT OF 2005**

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing 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 2, not voting 15, as follows:

[Roll No. 26]  
YEAS—415

Abercrombie Boren Cleaver  
Aderholt Boswell Clyburn  
Akin Boucher Coble  
Alexander Boustany Cole (OK)  
Allen Boyd Conaway  
Andrews Bradley (NH) Conyers  
Baca Brady (PA) Cooper  
Bachus Brady (TX) Costello  
Baird Brown (OH) Cramer  
Baker Brown (SC) Crenshaw  
Baldwin Brown, Corrine Crowley  
Barrett (SC) Brown-Waite, Cuellar  
Barrow Ginny Culberson  
Bartlett (MD) Burgess Cummings  
Barton (TX) Butterfield Davis (AL)  
Bass Buyer Davis (CA)  
Beauprez Calvert Davis (FL)  
Becerra Camp (MI) Davis (IL)  
Berkley Campbell (CA) Davis (KY)  
Berman Cannon Davis (TN)  
Berry Cantor Davis, Jo Ann  
Biggert Capito Davis, Tom  
Bilirakis Capps Deal (GA)  
Bishop (GA) Capuano DeFazio  
Bishop (NY) Cardin DeGette  
Bishop (UT) Cardoza Delahunt  
Blackburn Carnahan DeLauro  
Blumenauer Carson DeLay  
Blunt Carter Dent  
Boehlert Boehlert Case Dicks  
Boehner Castle Dingell  
Bonilla Chabot Doggett  
Bonner Chandler Doolittle  
Bono Chocola Doyle  
Boozman Clay Drake



Dreier	Kirk	Pickering
Duncan	Kline	Pitts
Edwards	Knollenberg	Platts
Ehlers	Kolbe	Poe
Emanuel	Kucinich	Pombo
Emerson	Kuhl (NY)	Pomeroy
Engel	LaHood	Porter
English (PA)	Langevin	Price (GA)
Eshoo	Lantos	Price (NC)
Etheridge	Larsen (WA)	Pryce (OH)
Everett	Larson (CT)	Putnam
Farr	Latham	Radanovich
Fattah	LaTourette	Rahall
Feeney	Leach	Ramstad
Ferguson	Lee	Rangel
Filner	Levin	Regula
Fitzpatrick (PA)	Lewis (CA)	Rehberg
Flake	Lewis (GA)	Reichert
Foley	Lewis (KY)	Renzi
Forbes	Linder	Reyes
Ford	Lipinski	Reynolds
Fordtenberry	LoBiondo	Rogers (AL)
Fossella	Lofgren, Zoe	Rogers (KY)
Fox	Lowey	Rogers (MI)
Frank (MA)	Lucas	Rohrabacher
Franks (AZ)	Lungren, Daniel	Ross
Frelinghuysen	E.	Rothman
Gallely	Lynch	Roybal-Allard
Garrett (NJ)	Mack	Ruppersberger
Gerlach	Maloney	Rush
Gibbons	Manzullo	Ryan (OH)
Gilchrest	Marchant	Ryan (WI)
Gillmor	Markey	Ryun (KS)
Gingrey	Marshall	Sabo
Gohmert	Matheson	Sánchez, Linda
Goode	Matsui	T.
Goodlatte	McCarthy	Sanchez, Loretta
Gordon	McCaul (TX)	Sanders
Granger	McCollum (MN)	Saxton
Graves	McCotter	Schakowsky
Green (WI)	McCrery	Schiff
Green, Al	McDermott	Schmidt
Green, Gene	McGovern	Schwartz (PA)
Grijalva	McHenry	Schwarz (MI)
Gutierrez	McHugh	Scott (GA)
Gutknecht	McIntyre	Scott (VA)
Hall	McKeon	Sensenbrenner
Harman	McKinney	Serrano
Harris	McMorris	Sessions
Hart	McNulty	Shadegg
Hastings (FL)	Meehan	Shaw
Hastings (WA)	Meek (FL)	Shays
Hayes	Meeke (NY)	Sherman
Hayworth	Melancon	Sherwood
Hefley	Mica	Shimkus
Hensarling	Michaud	Shuster
Herseth	Millender-	Simmons
Higgins	McDonald	Simpson
Hinchee	Miller (FL)	Skelton
Hobson	Miller (MI)	Slaughter
Hoekstra	Miller (NC)	Smith (NJ)
Holden	Miller, Gary	Smith (TX)
Holt	Miller, George	Smith (WA)
Honda	Mollohan	Snyder
Hooley	Moore (KS)	Sodrel
Hostettler	Moore (WI)	Solis
Hoyer	Moran (KS)	Souder
Hulshof	Moran (VA)	Spratt
Hunter	Murphy	Stark
Hyde	Murtha	Stearns
Inglis (SC)	Musgrave	Strickland
Inslee	Myrick	Stupak
Israel	Nadler	Sullivan
Issa	Napolitano	Tancredo
Istook	Neal (MA)	Tanner
Jackson (IL)	Neugebauer	Tauscher
Jackson-Lee	Ney	Taylor (NC)
(TX)	Northup	Terry
Jefferson	Nunes	Thomas
Jenkins	Nussle	Thompson (CA)
Jindal	Oberstar	Thompson (MS)
Johnson (CT)	Obey	Thornberry
Johnson (IL)	Olver	Tiahrt
Johnson, E. B.	Ortiz	Tiberi
Johnson, Sam	Osborne	Tierney
Jones (NC)	Otter	Towns
Jones (OH)	Owens	Turner
Kanjorski	Oxley	Udall (CO)
Kaptur	Pallone	Udall (NM)
Keller	Pascrell	Upton
Kelly	Pastor	Van Hollen
Kennedy (MN)	Paul	Velázquez
Kennedy (RI)	Payne	Visclosky
Kildee	Pearce	Walden (OR)
Kilpatrick (MI)	Pelosi	Walsh
Kind	Pence	Wamp
King (IA)	Peterson (MN)	Wasserman
King (NY)	Peterson (PA)	Schultz
Kingston	Petri	Waters

Watson	Westmoreland	Woolsey
Watt	Wexler	Wu
Waxman	Whitfield	Wynn
Weiner	Wicker	Young (AK)
Weldon (FL)	Wilson (NM)	Young (FL)
Weldon (PA)	Wilson (SC)	
Weller	Wolf	

NAYS—2

Royce Taylor (MS)

NOT VOTING—15

Ackerman	Diaz-Balart, L.	Hinojosa
Bean	Diaz-Balart, M.	Norwood
Burton (IN)	Evans	Ros-Lehtinen
Costa	Gonzalez	Salazar
Cubin	Herger	Sweeney

□ 1621

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:

Rollcall vote 21 on ordering the previous question for H.R. 710—"aye"; rollcall vote 22 on the motion to instruct conferees on H.R. 2830—"no"; rollcall vote 23 on H.R. 4192—"aye"; rollcall vote 24 on H.R. 1053—"aye"; rollcall vote 25 on H. Res 673—"aye"; rollcall vote 26 on H.R. 3505—"aye."

PERSONAL EXPLANATION

Mr. HERGER. Mr. Speaker, on rollcall 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. GUTKNECHT). 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 Mem-

bers 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.

□ 1623

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4167) to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes, with Mr. SIMMONS (Acting Chairman) in the chair.

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 403A(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343-1(a)) is amended—

(1) in paragraph (4), by striking "or" at the end;

(2) in paragraph (5), by striking the period and inserting " , or";

(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

(4) by adding at the end the following: "For purposes of paragraph (6) and section 403B, 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 paragraph (6), 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.".

(b) UNIFORMITY IN FOOD SAFETY WARNING NOTIFICATION REQUIREMENTS.—Chapter IV of such Act (21 U.S.C. 341 et seq.) is amended—

(1) by redesignating sections 403B and 403C as sections 403C and 403D, respectively; and

(2) by inserting after section 403A the following new section:

**“SEC. 403B. UNIFORMITY IN FOOD SAFETY WARNING NOTIFICATION REQUIREMENTS.**

**“(a) UNIFORMITY REQUIREMENT.—**

“(1) IN GENERAL.—Except as provided in subsections (c) and (d), no State or political subdivision of a State may, directly or indirectly, establish or continue in effect under any authority any notification requirement for a food that provides for a warning concerning the safety of the food, or any component or package of the food, unless such a notification requirement has been prescribed under the authority of this Act and the State or political subdivision notification requirement is identical to the notification requirement prescribed under the authority of this Act.

“(2) DEFINITIONS.—For purposes of paragraph (1)—

“(A) the term ‘notification requirement’ includes any mandatory disclosure requirement relating to the dissemination of information about a food by a manufacturer or distributor of a food in any manner, such as through a label, labeling, poster, public notice, advertising, or any other means of communication, except as provided in paragraph (3);

“(B) the term ‘warning’, used with respect to a food, means any statement, vignette, or other representation that indicates, directly or by implication, that the food presents or may present a hazard to health or safety; and

“(C) a reference to a notification requirement that provides for a warning shall not be construed to refer to any requirement or prohibition relating to food safety that does not involve a notification requirement.

“(3) CONSTRUCTION.—Nothing in this section shall be construed to prohibit a State from conducting the State’s notification, disclosure, or other dissemination of information, or to prohibit any action taken relating to a mandatory recall, civil administrative order, embargo, detention order, or court proceeding involving food adulteration under a State statutory requirement identical to a food adulteration requirement under this Act.

**“(b) REVIEW OF EXISTING STATE REQUIREMENTS.—**

“(1) EXISTING STATE REQUIREMENTS; DEFERRAL.—Any requirement that—

“(A)(i) is a State notification requirement that expressly applies to a specified food or food component and that provides for a warning described in subsection (a) that does not meet the uniformity requirement specified in subsection (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

“(B) is in effect on the date of enactment of the National Uniformity for Food Act of 2005, shall remain in effect for 180 days after that date of enactment.

“(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 or a national standard under subsection (c). If a State submits such a petition within 180 days after the date of enactment of the National Uniformity for Food Act of 2005, the notification or food safety requirement shall remain in effect in accordance with subparagraph (C) of paragraph (3), and the time periods and provisions specified in subparagraphs (A) and (B) of such paragraph shall apply in lieu of the time periods and provisions specified in subsection (c)(3) (but not the time periods and provisions specified in subsection (d)(2)).

“(3) ACTION ON PETITIONS.—

“(A) PUBLICATION.—Not later than 270 days after the date of enactment of the National Uniformity for Food Act of 2005, the Secretary shall publish a notice in the Federal Register concerning any petition submitted under paragraph (2) and shall provide 180 days for public comment on the petition.

“(B) TIME PERIODS.—Not later than 360 days after the end of the period for public comment, the Secretary shall take final agency action on the petition.

**“(C) ACTION.—**

“(i) IN GENERAL.—With respect to a State that submits to the Secretary a petition in accordance with paragraph (2), the notification or food safety requirement involved shall remain in effect during the period beginning on the date of enactment of the National Uniformity for Food Act of 2005 and ending on the applicable date under subclause (I) or (II), as follows:

“(I) If the petition is denied by the Secretary, the date of such denial.

“(II) If the petition is approved by the Secretary, the effective date of the final rule that is promulgated under subsection (c) to provide an exemption or national standard pursuant to the petition, except that there is no applicable ending date under this subparagraph for a provision of State law that is part of such State requirement in any case in which the final rule does not establish any condition regarding such provision of law.

**“(ii) NONCOMPLIANCE OF SECRETARY REGARDING TIMEFRAMES.—**

“(I) JUDICIAL REVIEW.—The failure of the Secretary to comply with any requirement of subparagraph (A) or (B) 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 comply within a period determined to be appropriate by the court.

“(II) STATUS OF STATE REQUIREMENT.—With respect to a State that submits to the Secretary a petition in accordance with paragraph (2), if the Secretary fails to take final agency action on the petition within the period that applies under subparagraph (B), the notification or food safety requirement involved remains in effect in accordance with clause (i).

**“(c) EXEMPTIONS AND NATIONAL STANDARDS.—**

“(1) EXEMPTIONS.—Any State may petition the Secretary to provide by regulation 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 provide such an exemption, under such conditions as the Secretary may impose, for such a requirement that—

“(A) protects an important public interest that would otherwise 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. 1451 et seq.) relating to the regulation of a food.

**“(3) ACTION ON PETITIONS.—**

“(A) PUBLICATION.—Not later than 30 days after receipt of any petition under paragraph (1) or (2), the Secretary shall publish such petition in the Federal Register for public comment during a period specified by the Secretary.

“(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, in writing, 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 that will be taken or is likely 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.

“(4) 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 comply within a period determined to be appropriate by the court.

**“(d) IMMINENT HAZARD AUTHORITY.—**

“(1) IN GENERAL.—A State may establish a requirement that would otherwise violate section 403A(a)(6) or subsection (a), if—

“(A) the requirement is needed to address an imminent hazard to health that is likely to result in serious adverse health consequences or death;

“(B) the State has notified the Secretary about the matter involved and the Secretary has not initiated enforcement action with respect to the matter;

“(C) a petition is submitted by the State under subsection (c) for an exemption or national standard relating to the requirement not later than 30 days after the date that the State establishes the requirement under this subsection; and

“(D) the State institutes enforcement action with respect to the matter in compliance with State law within 30 days after the date that the State establishes the requirement under this subsection.

**“(2) ACTION ON PETITION.—**

“(A) IN GENERAL.—The Secretary shall take final agency action on any petition submitted under paragraph (1)(C) not later than 7 days after the petition is received, and the provisions of subsection (c) shall not apply to the petition.

“(B) JUDICIAL REVIEW.—The failure of the Secretary to comply with the requirement described in subparagraph (A) 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 comply within a period determined to be appropriate by the court.

“(3) DURATION.—If a State establishes a requirement in accordance with paragraph (1), the requirement may remain in effect until the Secretary takes final agency action on a petition submitted under paragraph (1)(C).

“(e) NO EFFECT ON PRODUCT LIABILITY LAW.—Nothing in this section shall be construed to modify or otherwise affect the product liability law of any State.

“(f) NO EFFECT ON IDENTICAL LAW.—Nothing in this section relating to a food shall be construed to prevent a State or political subdivision of a State from establishing, enforcing, or continuing in effect a requirement that is identical to a requirement of this Act, whether or not the Secretary has promulgated a regulation or issued a policy statement relating to the requirement.

“(g) NO EFFECT ON CERTAIN STATE LAW.—Nothing in this section or section 403A relating to a food shall be construed to prevent a State or political subdivision of a State from establishing, enforcing, or continuing in effect a requirement relating to—

“(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, or that is recommended by the Secretary, under part 3-6 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 Packaging and Labeling Act (15 U.S.C. 1451 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) CONFORMING AMENDMENT.—Section 403A(b) of such Act (21 U.S.C. 343-1(b)) is amended by adding after and below paragraph (3) the following:

“‘The requirements of paragraphs (3) and (4) of section 403B(c) shall apply to any such petition, in the same manner and to the same extent as the requirements apply to a petition described in section 403B(c).’”.

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 Agriculture Committee, and a cosponsor of this legislation, I support H.R. 4167, to establish a uniform system of food safety and labeling requirements. 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 applicable to all states. This legislation will continue to allow the FDA to work with states collaboratively in establishing food safety policies and standards.

I understand the concerns some have raised about H.R. 4167, and I voted for several amendments to make clear that I support reliable standards for food safety and public health. Specifically, the Cardoza amendment requires FDA to expedite state petitions involving a food notification requirement for health effects dealing with cancer, reproductive issues, birth defects, or information to parents or guardians concerning children's risk to 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-

partment of Homeland Security, certifies that it will pose no additional risk to the public health or safety from terrorist attacks to the food supply. Finally, I support the Wasserman Schultz amendment to prohibit federal law from affecting any state law, regulation, prohibition, or other action that establishes a notification requirement regarding the presence or potential effects of mercury in fish and shellfish. H.R. 4167 is common sense legislation that was designed to create uniformity and consistency in labeling to help and protect the American consumer.

I urge my colleagues to support this legislation.

Mr. STARK. Mr. Chairman, I rise today in strong opposition to H.R. 4167, the National Uniformity for Food Act. This bill puts commercial 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 limiting particular toxic chemicals in food, even if the Food and Drug Administration (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.

This bill is especially detrimental in states like California that have gone to great lengths to protect consumers through strong food safety labeling requirements. Requirements like California's Proposition 65 have greatly reduced exposure to toxic chemicals in food. California's food safety laws should be a model for the nation. Instead, the grocery and commercial food industries have used their influence in the halls of Congress in an attempt to destroy these laws.

California Attorney General Bill Lockyer, the National Association of State Departments of Agriculture, and many consumer groups oppose this bill. Mr. Lockyer said in a letter to the California delegation that the National Uniformity for Food Act “would greatly impede our ability to protect the health of Californians, both under Proposition 65 and under other laws that could be adopted by the voters or our legislature.”

I urge my all my colleagues to stand up for consumers, not corporations, by voting no on the National Uniformity for Food Act.

Ms. SCHAKOWSKY. Mr. Chairman, I rise in strong opposition to H.R. 4167, the National Uniformity for Food Act. H.R. 4167 is intended to provide uniform food safety warnings and notifications. As written, however, it would hinder my state of Illinois' ability to protect the food supply and to respond quickly to local food safety concerns.

The National Uniformity for Food Act would weaken Illinois' ability to protect its residents from contaminated food by adding a layer of bureaucracy before such food could be removed from the shelves. Eighty percent of the country's food safety inspections are completed at the state and local levels. The bill preempts state food safety rules, which are often more stringent than federal standards and threatens the states' capacity to respond without delay to food safety issues.

For example, in 2002, 40 Illinois school children became sick after eating what appeared to be ammonia-contaminated chicken. Our De-

partment of Public Health issued the necessary embargoes and the product was immediately removed from schools so no other children became ill. H.R. 4167 would prevent our state health department from taking immediate action in a similar situation.

In addition, H.R. 4167 would erect a number of legal hurdles. The bill would force state standards and procedures to be made identical to federal standards and procedures. H.R. 4167 would therefore prevent Illinois from taking action to keep any contaminated product regulated under the Illinois Food, Drug and Cosmetic Act out of the marketplace. For example, the bill would: remove Illinois' ability to take emergency action to keep contaminated food from reaching the public; prohibit Illinois from providing state-level consumer food warnings, including the mercury contamination in fish, the content of fats and oils in food, and the use of pesticides on fruits and vegetables; remove the state's ability to ensure the safety of food and color additives; and preempt state laws that require stores selling alcoholic beverages to post warning signs about the risks of drinking alcohol during pregnancy.

Every year, 76 million Americans suffer from food poisoning resulting in approximately 5,000 deaths. The stakes are only growing now that mad cow disease has been discovered in the United States. In addition, we must remain aware that our food supply is a potential target of terrorism. Now is the time to strengthen, and not dilute, our efforts to detect unsafe food products before they reach grocery store shelves.

I have received nearly 500 letters of opposition to H.R. 4167 from my constituents, in addition to letters of opposition from Illinois Attorney General Lisa Madigan, the Illinois Public Interest Research Group, and Illinois Governor Rod Blagojevich. Governor Blagojevich writes: “Regulating and protecting the food supply is a responsibility shared by local, state and federal governments. In fact, approximately 80 percent of food safety inspections in the United States are completed at state and local levels. Therefore, passage of House Resolution 4167, preempting state rules on food supply that may be stronger than federal law, could put Illinois' residents and visitors at risk.” I cannot support legislation which would hinder Illinois' ability to respond quickly to local food safety concerns. I encourage my colleagues to join me in opposing this legislation.

Mr. BLUMENAUER. Mr. Chairman, I am deeply disturbed by this proposal that would strip away states' ability to protect their citizens' food supply. Today's consideration of the “National Food Uniformity Act” represents the fourth time this bill has been considered since I have come to Congress. Congress and the public have repeatedly shown that they are opposed to the weakening of food safety laws, and yet we are forced to continue this debate.

Each year, food-borne illnesses result in 76 million illnesses, 325,000 hospitalizations and 5,000 deaths. This bill would nullify approximately 200 state laws aimed at reducing the incidence of these food-borne illnesses.

It's shameful that this bill does not create any uniform safety standards, but simply strips away states' rights to protect their residents. I'm sympathetic to some manufacturers' concerns about the burdens of multiple labeling

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 clarify 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 like to clarify some mistaken 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 FFDC, and these are specified in the legislation. If a requirement of the FFDC 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 free to enact state 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 FFDC 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, including myself. We recognize that states have often been at the forefront of regulating food sanitation, and for this reason, one of our legislative intents through this bill was that food sanitation standards should not and would not be preempted.

FEBRUARY 28, 2006.

*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 labeling 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 stay in effect 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 product labeling. National 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 under the Federal Meat Inspection Act and the Poultry 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 warning labels.

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 Pro-  
ducers 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 leadership in bringing this important food safety bill to the floor.

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.

Of note, 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 manufacturers follow a national standard for the bottles that they produce.

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 that rational, 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 pre-empt 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.

The Acting CHAIRMAN. No amendment to the bill shall be in order except those printed in House Report 109-386. Each 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 read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

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 "343-1(a)" 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 (5)" and insert "in subsection (a)(5)".

Page 2, line 14, insert "in subsection (a)," after "(3)".

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 403B, 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 subsection (a)(6), 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

Secretary has considered a proposal for a regulation or final guidance relating to the requirement and has, after soliciting public comment, made a determination not to promulgate such regulation or adopt such guidance, which determination is published in the Federal Register, the State may not enforce any requirements in State law that are policies rejected by the Secretary through such determination.”

Page 13, strike lines 13 through 19.

Page 13, line 20, strike “(g)” and insert “(f)”.

Page 14, line 4, strike “or” after “pricing.”

Page 14, line 5, insert before the semicolon the following: “, or dietary supplements”.

Page 14, line 13, strike “(h)” and insert “(g)”.

The Acting CHAIRMAN. Pursuant to House Resolution 710, the gentleman from Texas (Mr. BARTON) and a Member opposed each will control 5 minutes.

Mr. WAXMAN. Mr. Chairman, if no one rises in opposition to the amendment, I would like to claim the time, for purposes of debate, by unanimous consent.

The Acting CHAIRMAN. Without objection, the gentleman from California (Mr. WAXMAN) will control the time in opposition.

There was no objection.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

My amendment provides clarification on the scope of the bill in two important areas. First, the amendment clarifies that uniformity in notification requirements for warnings does not apply to dietary supplements.

Additionally, during committee consideration of H.R. 4167, some Members expressed some confusion regarding the scope of subsection (f) of the bill. Today’s amendment is designed to clear up that confusion and ensure that States can set tolerance levels for substances in food when the Federal Government has not.

Section 2 of the bill extends national uniformity to all aspects of food adulteration. I support the premise of food adulteration and tolerance levels should be uniform throughout the country. If a substance in food is injurious to one State’s consumers, it would be injurious to the people of all 50 States. Section 401(a) of the Food, Drug and Cosmetic Act states a food is adulterated “if it bears or contains any poisonous or deleterious substance which may render it injurious to health.” The FDA currently determines levels of substances in particular foods to ensure that the food remains safe. Foods above those levels are considered adulterated.

The FDA is the world’s gold standard for food regulation. If the agency has made a determination that a particular substance in food at a particular level is safe, then it should be safe to be sold in any State. However, if the FDA has not adopted a tolerance level for a substance in a particular food, nor affirmatively rejected a standard, then the State should be allowed to adopt its own standard when it deems necessary.

My amendment clarifies the intent of the authors of the legislation by stating that when there is neither a Federal tolerance level for a substance in a particular food, nor has the FDA made an affirmative rejection of the need for a tolerance for a particular substance, then the State may establish and enforce its own tolerance standard.

Mr. Chairman, I would urge my colleagues to support the amendment.

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

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is claimed that the Barton amendment preserves State and local authorities to act when the Federal Government has not. Unfortunately, the extent of the amendment does not support this statement. The amendment merely provides that States may enforce identical requirements to Federal requirements.

This is a terrible policy. Sixteen years ago, the Food and Drug Administration learned that there were cancer-causing chemicals in soft drinks way above levels that would be permitted in drinking water. Once the soft drink industry promised to address the problem, the FDA did nothing. Under the legislation the House considers today, the States’ hands will be tied, even while the FDA continues to do nothing.

The other purpose of this amendment is that it would allow the States to regulate in the area of dietary supplements. The Food and Drug Administration can regulate in that area, but the States could go even further.

Now, I am for States rights, and so if a State wants to go further in the area of dietary supplements, I should not object, although I do not know whether the people who want this bill think that dietary supplements ought to be treated differently than the other foods. Why should we allow the States to regulate in the area of dietary supplements but not in regular food? The distinction does not make a lot of sense.

I do not oppose this amendment. I sought the time for the purposes of debate, but I think the point I would draw to the attention of my colleagues is why are we treating dietary supplements different from other foods? The States have historically dealt in this area, and the States ought to be permitted to deal not just in dietary supplements, but with all food under the police powers that are granted to every State to act to protect their own citizens.

□ 1630

So I want Members to know that this amendment is going to treat dietary supplements in a harsher way, by letting the States act, than we will with regular foods where it comes to a tolerance or a warning label.

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

Mr. BARTON of Texas. Mr. Chairman, may I inquire how much time I still have?

The Acting CHAIRMAN (Mr. SIMMONS). The gentleman from Texas has 3 minutes remaining.

PARLIAMENTARY INQUIRY

Mr. BARTON of Texas. Mr. Chairman, I want to propound a parliamentary inquiry.

I have no more requests for time, and I am going to close. I have a colloquy I want to enter into with the gentleman from Washington State, Mr. INSLEE. Can I use this time for that colloquy?

The Acting CHAIRMAN. The gentleman may yield to himself for purposes of a colloquy.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume to engage in a colloquy with the gentleman from Washington, and I yield to him at this time.

Mr. INSLEE. Mr. Chairman, I would like to be certain that I understand the requirement in the bill that State 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 is correct. Provisions of State law that establish standards for determining when a food is adulterated, that are the State counterparts to those ten listed sections of Federal law, will need to be identical to the Federal law.

Mr. INSLEE. If the gentleman will continue to yield. “Identical” in this context does not mean that every 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 often 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, the State would then need to 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 need to 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's basic adulteration requirement 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 within the meaning of that State'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, such as 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 cure 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 109-386 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 that provides 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. Is there objection to the request of the gentleman from California?

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. WAXMAN) is opposed and will control the time.

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 transitional period to request FDA approval of existing State regulations for food labeling. The second creates a process for States to petition the FDA to ap-

prove 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 published in the Federal Register 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 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 that 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 ought to be advised about that.

This amendment, however, provides an expedited review. Well, the Congressional Budget Office has said that this



is going to cost \$100 million over 5 years, and that is to review 200 State petitions, because there are 200 State laws that are going to be wiped out. The Congressional Budget Office says they do not think the FDA will comply in time. So the FDA is going to be mandated to get their review done in an expedited way and it is going to cost us over \$100 million, but they are not going to comply.

Well, that is why the States attorneys general have contacted us and they say that this bill is going to create a whole new Federal bureaucracy. Imagine that, Republicans who are sponsoring this bill, and Democrats who have joined with them, who I don't think both sides of the aisle understood the consequences of this bill; that it takes away the States rights to enact legislation in areas of carcinogens and reproductive toxins and other areas where they think the public health and safety may be at stake, it takes away the States rights to give it to a Federal bureaucracy, and it enhances that Federal bureaucracy with additional burdens but creates no more funding to do that job.

Is this what we have always expected out of Congress; creating a new bureaucracy to act in place of State duly elected governments? I just think this bill, if people will examine it carefully, can't stand the light of day. And I guess that is why we have never had a hearing on it. No one has ever been able to get the pros and the cons. We have no record to substantiate that legislation to start with.

And this amendment, although it is hard to oppose an amendment that says we are going to have an expedited review, although the bill provides for a 180-day review, nobody who has looked at it carefully, especially the Congressional Budget Office, thinks it will make a difference because they are never going to get around to it.

I guess the way to handle it is the Food and Drug Administration can say, very quickly, no, that State law will not be allowed. We won't let them have those warnings for their people. We will just overturn the State law. That will be what they will have to do if they have to do it in an expedited way, especially if they are hearing from special interest groups that want the laws at the State level to be overturned.

But let me just add one other point. We are talking about 200 State laws that are on the books now. But what about other problems in the future that States may find out about that may even be peculiar to that State? They are not going to be looking at that issue any longer because they know that the Federal Government is now preempting the field. But the Federal Government, by preempting the field, it doesn't mean that they are looking at the problem and trying to address it.

So there is a huge vacuum that will be created if this bill becomes law, and that is why I sought the time and I wanted to make this clarification.

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.

The Acting CHAIRMAN. The gentleman from California (Mr. CARDOZA) has 7½ minutes remaining and the gentleman from California (Mr. WAXMAN) has 6 minutes remaining.

□ 1645

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, then a warning 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 request for a warning, 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 success that we have had in this system by extending the same approach to food safety standards that is used by USDA and other agencies.

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 law 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 of pesticides. I suppose 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 FDA is going to have to decide that.

There are 50 State milk safety laws. They are different laws. Each State adopted the law it thinks is best. Each State would have to petition whether it can continue with the law that it adopted.

Now, an expedited review sounds like a good idea because we would like them to review them carefully so the States can have a decision, but you know an expedited review can also mean that expedite it, and the FDA will say "no" as quickly as possible in order to expedite that review.

I would rather have them have a thorough opportunity to review the

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 warning labels or different tolerance 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 laws because that could be what an agency, a bureaucracy, would think 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 wants to regulate more 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. 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 that area, if it deals with a food product that is probably going to be used by far more people, should require a State to have to go and get a petition to the Food and Drug Administration to let that law stay in effect? But if they have a warning label that a dietary supplement can cause cancer, that warning label will not be reviewed by the FDA.

So we have these discrepancies that Members ought to understand are at stake in this legislation which has not been thoroughly reviewed. On that basis I think we ought to give it much more scrutiny than we are being allowed to do today.

Mr. Chairman, I reserve 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 and their health.

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. But this amendment is only 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. ESHOO).

Ms. ESHOO. 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? 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. ESHOO. 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. ESHOO. So maximum is 120 days?

Mr. CARDOZA. And this allows the FDA to act even quicker; in fact, mandates it.

Ms. ESHOO. But they have up to 4 months?

Mr. CARDOZA. In the underlying bill.

Ms. ESHOO. But that is your amendment, not the underlying bill.

Mr. CARDOZA. No, the underlying bill is 120 days.

Ms. ESHOO. And what does your amendment do?

Mr. CARDOZA. It says that it must be the quickest possible.

Ms. ESHOO. But without any specificity?

Mr. CARDOZA. Correct.

Ms. ESHOO. Mr. Chairman, thank you.

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

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

The Acting CHAIRMAN (Mr. SIMMONS). The question is on the amendment offered by the gentleman from California (Mr. CARDOZA).

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 gentleman from California (Mr. CARDOZA) will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. ROGERS OF MICHIGAN

Mr. ROGERS of Michigan. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 printed in House Report 109-386 offered by Mr. ROGERS of Michigan:

At the end of the bill, add the following section:

### SEC. 3. CONDITIONS.

The amendments made by this Act take effect only if the Secretary of Health and Human Services certifies to the Congress, after consultation with the Secretary of Homeland Security, that the implementation of such amendments will pose no additional risk to the public health or safety from terrorists attacks relating to the food supply.

The Acting CHAIRMAN. Pursuant to House Resolution 710, the gentleman from Michigan (Mr. ROGERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, one of the things that we have heard over the course of this debate, and we have had lots of it, almost as many hours of debate as there are pages in the bill, one of the things that we realized 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 to at least acknowledge 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 commonsense 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 back 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 through 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.

□ 1700

The bill cannot take effect until that certification, in consultation with the Secretary of Homeland Security, is complete. H.R. 4167 as originally written would have had no effect on a State's ability to respond to a food emergency or bioterrorist threat. 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 bioterrorism 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 to 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 preempted. 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 worked to have 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 when a disaster occurs. 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, H.R. 4167, 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 burdensome 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 the amendment. I believe that Mr. WAXMAN is well-intentioned in the amendment language that he has offered, and it is a matter of perspective as to whether or not this amendment would cure or would create more problems. It is my opinion that it would do the latter.

The last thing that any of us want, I think, is to create anything that will create more bureaucratic wrangling between the States and the Federal Government and pointing of fingers back and forth in a time of disaster, and especially in an event such as a terrorist attack or something that would contaminate our food supply.

I believe the language we have just adopted in the Rogers amendment, which requires that the Secretary of HHS consult with the Secretary of Homeland Security and certify that this bill does not in any way impinge on or interfere with the ability to deal 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 the bureaucratic wrangling that 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 cope with a natural or terrorist-made disaster, 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, in consultation 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 bioterrorism. We would have not have 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 FDA.

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 bioterrorism that needs to be addressed at 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. ROGERS) 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.

This 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 bureaucratic solution, which may take time from the Federal Government to allow them to act.

My amendment would allow the States to act, especially if it is an imminent problem. That should not be taken away, which would happen if we don't pass this amendment. I ask for an "aye" vote.

Mr. DEAL of Georgia. Mr. Chairman, I yield back the balance of our time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

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 gentleman from California (Mr. WAXMAN) will be postponed.

AMENDMENT NO. 5 OFFERED BY MRS. CAPPS

Mrs. CAPPS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 printed in House Report 109-386 offered by Mrs. CAPPS:

Page 4, beginning on line 1, strike "Except as provided in subsections (c) and (d)," and insert "Except as provided in paragraphs (4) through (6) and subsections (c) and (d)."

Page 5, after line 16, insert the following:  
 "(4) NOTIFICATIONS REGARDING CANCER.— Paragraph (1) does not apply to a notification described in such paragraph if the notification warns that the food involved may cause cancer.

"(5) NOTIFICATIONS REGARDING BIRTH DEFECTS OR REPRODUCTIVE HEALTH PROBLEMS.— Paragraph (1) does not apply to a notification described in such paragraph if the notification warns that the food involved may cause birth defects, or warns that the food may cause reproductive health problems, or both.

"(6) NOTIFICATIONS REGARDING ALLERGENIC SULFITING AGENTS.— 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 an allergic reaction."

At the end of the bill, add the following:  
**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 other reproductive defects or could cause allergic reactions with sulfiting agents.

The bill as currently written would effectively wipe out important existing State food safety warning laws in these very areas. It is unconscionable that Congress could create a system that essentially conceals from consumers known possible risks to their health. This is especially troubling considering how successful these State laws have been at better informing the public about potential problems in their foods. Perhaps most importantly, some of these State laws would be wiped out by H.R. 4167 which have led manufac-

turers to remove harmful contents from food products altogether.

For example, food warning laws in California have resulted in the decrease of arsenic in bottled water everywhere; a reduction of lead and calcium supplements and also a removal of the potassium bromate from bread wherever it is sold in the United States.

□ 1715

It was under such a State law that warnings about pregnant women and alcohol first came about, a State law. However, this bill would end that process.

Mr. Chairman, public health experts everywhere recognize the importance of providing the best available information to consumers regarding possible health risks in food products, and that is why the Association of Food and Drug Officials, as well as a bipartisan coalition of 39 State attorneys general are on record opposing this.

Supporters of this bill will argue that this legislation establishes an appeals process for States seeking to establish their own food safety measures. 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 claim the time in opposition.

The Acting CHAIRMAN (Mr. PRICE of Georgia). The gentleman from Georgia is recognized for 10 minutes in opposition.

Mr. DEAL of Georgia. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this amendment would exempt three categories of warnings and standards from a national uniformity standard: those relating to risks of cancer; 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 confused by 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 share that information with the FDA and 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, which, for the first time, will put 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 without the opportunity of 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 the petition.

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 we all agree uniformity, national uniformity is ideal. The word "expedited" without sufficient resources makes it really risky to entrust the Food and Drug Administration to do what States have already accomplished. States do have the resources to do that.

Mr. Chairman, I am pleased to yield 4 minutes to my colleague the gentlewoman from California (Ms. ESHOO)

Ms. ESHOO. Mr. Chairman, I thank my colleague for yielding me time.

Mr. Chairman, I am really pleased to cosponsor this amendment. I think it is a very important one, and I think it is important also for people that are listening in across the country who support this amendment. 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, cancer and allergic 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 have to be on the floor fighting 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 the 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 consumers, 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 children, 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 to protect consumers." Wrong. 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 other 49 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.

So to 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 right thing to do, like we did on nutritional labeling, like we did when we set the standards of what food gets to be called organic, a Federal standard. Why? Because we felt it was important enough to have a Federal standard for the protection of every American, not just California, not just Florida, not just Michigan.

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 letters sent in from State bureaucrats and 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 for 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. Worry about what is 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 care and concern. I know 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 State petitions them. The Food and Drug Administration can look at a problem now and say California has a law, Michigan has a law, those are good ideas. We are going to survey what the States are doing and make them apply all across the country. They could do that now. But this bill puts at risk all the State laws, and that is what is really behind this legislation, putting at risk all the State laws.

Now, the Capps amendment is a combination of amendments that were offered in the Commerce Committee that had bipartisan support, very close to a majority, but not quite.

□ 1730

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 sulfites, leave those State 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 carcinogen 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.

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 them 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-

phia and the Articles of Confederation that proceeded that, one of the critical issues was the right to regulate interstate commerce.

Now, in those days, you could say, prior to our Constitution that gave the authority to the Federal Government to regulate interstate commerce, you could say, well, you are not going to be able to bring your peanuts from Georgia or your peaches from South Carolina or your apples from Vermont into my State unless you put my label on it. And our Founding fathers decided that one of the reasons the articles did not work was because you could not have a Nation that allowed these barriers to be erected at the State lines.

Now, if the issue is the safety of the people of this country, how do you justify not wanting those same protections for everybody?

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.

If, however, the Federal Government looks at the issue, and the FDA decides that the science does not justify impediment, then under those circumstances, there would not be uniformity, and, therefore, the State requirement would not be allowed to remain.

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 reerect some of the very barriers that created the impediments under the Articles of Confederation and led to the right of this body, under this type of deliberation, to consider under the interstate commerce jurisdiction the right of uniformity in things that do have an effect about articles moving in our interstate commerce.

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

Mrs. CAPPS. Mr. Chairman, I would submit to my chairman that I do not know any State that would not be willing to share its information with the Federal Government. On the other hand, the Food and Drug Administration has had top scientists quit of recent time over political pressures.

And the truth is that this bill would conceal information from consumers about known risks for cancer, birth defects and allergic reactions due to sulfiting agents. This bill guts important existing 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 gentlewoman 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 gentlewoman 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 a State law, regulation, proposition or other action that establishes a notification requirement regarding the presence or potential effects 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 gentleman from Georgia 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. So it is imperative 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 male 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.

Members, I know you 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 levels 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. But, again, 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 State, that State 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. I yield to the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. 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. ROGERS of 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 toxicity level 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 annually from heart disease and stroke.

What we have found is that you have to get to blend good science, remove the emotion, because in some cases 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, if we 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 1½ 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 legislature is currently considering a law to say that a grocery store will post information. 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 a State cannot ask grocery stores 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 try to strike a careful balance that would demonstrate both the benefits of eating fish as well as the potential dangers associated with exposure to mercury.

If the bill passes as presented, and this is an issue with regard to warning on fish, there are several things that would be authorized: A State, if it feels it has a peculiar situation, could petition for a waiver so that they could apply a non-Federal standard to their warning. There is absolutely nothing in the bill that would prohibit a State from issuing warnings. It just cannot require that the manufacturer or distributor be the one that be required to place warnings on the product. But the State could issue whatever warnings it saw fit to do so.

I think, as Mr. ROGERS related earlier, the Tufts Health and Nutrition

Letter, indicating that you have to be careful that you do not do more harm than good sometimes by issuing warnings that are blanket in nature, I think that clearly indicates we could go in the wrong direction.

We believe the bill strikes a careful balance. It does allow States that have peculiar situations to ask that they be allowed to put additional warnings on products in their State if they think that is justified. We believe that the current Federal policy on mercury, however, in fish is an appropriate and adequate one, and I would urge the defeat of this amendment.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I yield for the purposes of making 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 Wasserman 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 Wasserman Schultz 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 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 OB-GYN told me, do not consume tuna. 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 in 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. CAPPES 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:

[Roll No. 27]

AYES—417

Abercrombie Delahunt Johnson, Sam  
 Ackerman DeLauro Jones (NC)  
 Aderholt DeLay Jones (OH)  
 Akin Dent Kanjorski  
 Alexander Dicks Kaptur  
 Allen Dingell Keller  
 Andrews Doggett Kelly  
 Baca Doolittle Kennedy (MN)  
 Bachus Doyle Kennedy (RI)  
 Baird Drake Kildee  
 Baker Dreier Kilpatrick (MI)  
 Baldwin Duncan Kind  
 Barrett (SC) Edwards King (IA)  
 Barrow Ehlers King (NY)  
 Bartlett (MD) Emanuel Kingston  
 Barton (TX) Emerson Kirk  
 Bass Engel Kline  
 Bean English (PA) Knollenberg  
 Beauprez Eshoo Kolbe  
 Becerra Etheridge Kucinich  
 Berkley Everett Kuhl (NY)  
 Berman Farr LaHood  
 Berry Fattah Langevin  
 Biggert Feeney Lantos  
 Bilirakis Ferguson Larsen (WA)  
 Bishop (GA) Filner Larson (CT)  
 Bishop (NY) Fitzpatrick (PA) Latham  
 Bishop (UT) Flake LaTourette  
 Blackburn Foley Leach  
 Blumenauer Forbes Lee  
 Blunt Ford Levin  
 Boehlert Fortenberry Lewis (CA)  
 Boehner Fossella Lewis (GA)  
 Bonilla Foxx Lewis (KY)  
 Bonner Frank (MA) Linder  
 Bono Franks (AZ) Lipinski  
 Boozman Frelinghuysen LoBiondo  
 Boren Gallegly Lofgren, Zoe  
 Boswell Garrett (NJ) Lowey  
 Boucher Gerlach Lucas  
 Boustany Gibbons Lungren, Daniel  
 Boyd Gilchrest E.  
 Bradley (NH) Gillmor Lynch  
 Brady (PA) Gingrey Mack  
 Brady (TX) Gohmert Maloney  
 Brown (OH) Goode Manzullo  
 Brown (SC) Goodlatte Marchant  
 Brown, Corrine Gordon Markey  
 Brown-Waite, Granger Marshall  
 Ginny Graves  
 Burgess Green (WI) Matheson  
 Butterfield Green, Al Matsui  
 Buyer Green, Gene McCaul (TX)  
 Calvert Grijalva McCollum (MN)  
 Camp (MI) Gutierrez McCotter  
 Campbell (CA) Gutknecht McCreery  
 Cannon Hall McDermott  
 Cantor Harman McGovern  
 Capito Harris McHenry  
 Capps Hart McHugh  
 Capuano Hastings (FL) McIntyre  
 Cardin Hastings (WA) McKeon  
 Cardoza Hayes McKinney  
 Carnahan Hayworth McMorris  
 Carson Hefley McNulty  
 Carter Meehan Meehan  
 Case Herger Meek (FL)  
 Castle Herseth Meeks (NY)  
 Chabot Higgins Melancon  
 Chandler Hinchey Mica  
 Chocola Hinojosa Michaud  
 Clay Hobson Millender-  
 Cleaver Hoekstra McDonald  
 Clyburn Holden Miller (FL)  
 Coble Holt Miller (MI)  
 Cole (OK) Honda Miller (NC)  
 Conaway Hooley Miller, Gary  
 Conyers Hostettler Miller, George  
 Cooper Hoyer Mollohan  
 Costello Hulshof Moore (KS)  
 Cramer Hunter Moore (WI)  
 Crenshaw Hyde Moran (KS)  
 Crowley Inglis (SC) Moran (VA)  
 Cuellar Inslee Murphy  
 Culberson Israel Murtha  
 Davis (AL) Issa Musgrave  
 Davis (CA) Istook Myrick  
 Davis (FL) Jackson (IL) Nadler  
 Davis (IL) Jackson-Lee Napolitano  
 Davis (KY) (TX) Neal (MA)  
 Davis (TN) Jefferson Neugebauer  
 Davis, Jo Ann Jenkins Ney  
 Davis, Tom Jindal Northup  
 Deal (GA) Johnson (CT) Nunes  
 DeFazio Johnson (IL) Oberstar  
 DeGette Johnson, E. B. Obey

Oliver Royce  
 Ortiz Roppersberger  
 Osborne Rush  
 Otter Ryan (OH)  
 Owens Ryan (WI)  
 Oxley Ryun (KS)  
 Pallone Sabo  
 Pascrell Sánchez, Linda  
 Pastor T.  
 Paul Sanchez, Loretta  
 Payne Sanders  
 Pearce Saxton  
 Pelosi Schakowsky  
 Pence Schiff  
 Peterson (MN) Schmidt  
 Peterson (PA) Schwartz (PA)  
 Petri Schwarz (MI)  
 Pickering Scott (GA)  
 Pitts Scott (VA)  
 Platts Sensenbrenner  
 Poe Serrano  
 Pombo Sessions  
 Pomeroy Shadegg  
 Porter Shaw  
 Price (GA) Shays  
 Price (NC) Sherman  
 Pryce (OH) Sherwood  
 Putnam Shimkus  
 Radanovich Shuster  
 Rahall Simmons  
 Ramstad Simpson  
 Rangel Skelton  
 Regula Slaughter  
 Rehberg Smith (NJ)  
 Reichert Smith (TX)  
 Renzi Smith (WA)  
 Reyes Snyder  
 Reynolds Sodrel  
 Rogers (AL) Solis  
 Rogers (KY) Souder  
 Rogers (MI) Spratt  
 Rohrabacher Stark  
 Ross Stearns  
 Rothman Strickland  
 Roybal-Allard Stupak

NOT VOTING—15

Burton (IN) Diaz-Balart, M.  
 Costa Evans  
 Cubin Gonzalez  
 Cummings Norwood  
 Diaz-Balart, L. Nussle

□ 1814

Mr. GARRETT 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.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 164, noes 255, not voting 13, as follows:

[Roll No. 28]

AYES—164

Abercrombie Baldwin  
 Ackerman Becerra  
 Allen Berkley  
 Andrews Berman  
 Baca Bishop (NY)  
 Baird Blumenauer

Boehlert Bono  
 Brady (PA) Brady (PA)  
 Brown (OH) Brown (OH)  
 Brown (SC) Brown, Corrine  
 Brown-Waite, Capps  
 Capuano Cardin  
 Cardoza Carnahan  
 Carson Case  
 Cleaver Clyburn  
 Conyers Conyers  
 Cooper Cooper  
 Cummings Cummings  
 Davis (CA) Davis (CA)  
 Davis (FL) Davis (FL)  
 Davis (IL) Davis, Jo Ann  
 Davis (KY) Davis, Tom  
 Davis (TN) Davis, Tom  
 Deal (GA) Deal (GA)  
 DeFazio DeFazio  
 DeGette DeGette

Kaptur Kelly  
 Kennedy (RI) Kennedy (RI)  
 Kildee Kildee  
 Kilpatrick (MI) Kilpatrick (MI)  
 Kind Kind  
 Kucinich Kucinich  
 Langevin Langevin  
 Rush Rush  
 Lantos Lantos  
 Larsen (WA) Larsen (WA)  
 Larson (CT) Larson (CT)  
 Lee Lee  
 Levin Levin  
 Lewis (GA) Lewis (GA)  
 Lipinski Lipinski  
 Lofgren, Zoe Lofgren, Zoe  
 Lowey Lowey  
 Lynch Lynch  
 Malone Malone  
 Markey Markey  
 Matsui Matsui  
 McCarthy McCarthy  
 McCollum (MN) McCollum (MN)  
 McDermott McDermott  
 McGovern McGovern  
 McHenry McHenry  
 McHugh McHugh  
 McIntyre McIntyre  
 McKeon McKeon  
 McKinney McKinney  
 McMorris McMorris  
 McNulty McNulty  
 Meehan Meehan  
 Meek (FL) Meek (FL)  
 Meeks (NY) Meeks (NY)  
 Melancon Melancon  
 Mica Mica  
 Michaud Michaud  
 Millender-McDonald Millender-McDonald  
 Miller (FL) Miller (FL)  
 Miller (MI) Miller (MI)  
 Miller (NC) Miller (NC)  
 Miller, Gary Miller, Gary  
 Miller, George Miller, George  
 Mollohan Mollohan  
 Moore (KS) Moore (KS)  
 Moore (WI) Moore (WI)  
 Moran (KS) Moran (KS)  
 Moran (VA) Moran (VA)  
 Murphy Murphy  
 Murtha Murtha  
 Musgrave Musgrave  
 Myrick Myrick  
 Nadler Nadler  
 Napolitano Napolitano  
 Neal (MA) Neal (MA)  
 Neugebauer Neugebauer  
 Ney Ney  
 Northup Northup  
 Nunes Nunes  
 Oberstar Oberstar  
 Obey Obey

NOES—255

Chocola Chocola  
 Clay Clay  
 Coble Coble  
 Cole (OK) Cole (OK)  
 Conaway Conaway  
 Costello Costello  
 Cramer Cramer  
 Crenshaw Crenshaw  
 Crowley Crowley  
 Cuellar Cuellar  
 Culberson Culberson  
 Davis (AL) Davis (AL)  
 Davis (IL) Davis (IL)  
 Davis (KY) Davis (KY)  
 Davis (TN) Davis (TN)  
 Deal (GA) Deal (GA)  
 DeLay DeLay  
 Doolittle Doolittle  
 Doyle Doyle  
 Drake Drake  
 Dreier Dreier  
 Duncan Duncan  
 Ehlers Ehlers  
 Emerson Emerson  
 English (PA) English (PA)  
 Etheridge Etheridge  
 Everett Everett  
 Fattah Fattah  
 Feeney Feeney  
 Ferguson Ferguson  
 Jindal Jindal  
 Johnson (CT) Johnson (CT)  
 Johnson (IL) Johnson (IL)  
 Johnson, E. B. Johnson, E. B.  
 Johnson, Sam Johnson, Sam  
 Kanjorski Kanjorski  
 Keller Keller  
 Kennedy (MN) Kennedy (MN)  
 King (IA) King (IA)  
 King (NY) King (NY)  
 Kingston Kingston  
 Kirk Kirk  
 Kline Kline  
 Knollenberg Knollenberg  
 Gillmor Gillmor  
 Gingrey Gingrey  
 Gohmert Gohmert  
 Goode Goode  
 Goodlatte Goodlatte  
 Gordon Gordon  
 Graves Graves  
 Green (WI) Green (WI)  
 Gutknecht Gutknecht  
 Harris Harris  
 Hart Hart  
 Hastings (WA) Hastings (WA)  
 Hayes Hayes  
 Hayworth Hayworth  
 Hefley Hefley  
 Hensarling Hensarling  
 Herger Herger  
 Herseth Herseth  
 Higgins Higgins  
 Hinojosa Hinojosa  
 Hobson Hobson  
 Hoekstra Hoekstra  
 Holden Holden  
 Hostettler Hostettler  
 Hulshof Hulshof  
 Hunter Hunter  
 Hyde Hyde  
 Inglis (SC) Inglis (SC)  
 Issa Issa  
 Istook Istook  
 Jefferson Jefferson  
 Jenkins Jenkins  
 Jindal Jindal  
 Johnson (CT) Johnson (CT)  
 Johnson (IL) Johnson (IL)  
 Johnson, E. B. Johnson, E. B.  
 Johnson, Sam Johnson, Sam  
 Kanjorski Kanjorski  
 Keller Keller  
 Kennedy (MN) Kennedy (MN)  
 King (IA) King (IA)  
 King (NY) King (NY)  
 Kingston Kingston  
 Kirk Kirk  
 Kline Kline  
 Knollenberg Knollenberg  
 Gillmor Gillmor  
 Gingrey Gingrey  
 Gohmert Gohmert  
 Goode Goode  
 Latham Latham

LaTourette	Osborne	Shays	Berman	Jackson (IL)	Pomeroy	Kline	Myrick	Scott (GA)
Leach	Otter	Sherwood	Bishop (NY)	Jackson-Lee	Price (NC)	Knollenberg	Neugebauer	Sensenbrenner
Lewis (CA)	Oxley	Shimkus	Blumenauer	(TX)	Rahall	Kolbe	Ney	Sessions
Lewis (KY)	Pearce	Shuster	Boehlert	Johnson (CT)	Rangel	Kuhl (NY)	Northup	Shadegg
Linder	Pence	Simmons	Bono	Johnson, E. B.	Reyes	LaHood	Nunes	Shaw
LoBiondo	Peterson (MN)	Simpson	Boucher	Jones (NC)	Ross	Larsen (WA)	Nussle	Sherwood
Lucas	Petri	Skelton	Brady (PA)	Jones (OH)	Rothman	Latham	Ortiz	Shimkus
Lungren, Daniel	Pickering	Smith (TX)	Brown (OH)	Kaptur	Roybal-Allard	LaTourette	Osborne	Shuster
E.	Pitts	Snyder	Brown, Corrine	Kelly	Rush	Leach	Otter	Simpson
Mack	Platts	Sodrel	Capps	Kennedy (RI)	Sabo	Lewis (CA)	Oxley	Skelton
Manzullo	Poe	Souder	Capuano	Kildee	Sánchez, Linda	Lewis (KY)	Pearce	Smith (TX)
Marchant	Pombo	Spratt	Cardin	Kilpatrick (MI)	T.	Linder	Pence	Sodrel
Marshall	Porter	Stearns	Carmahan	Kind	Sanchez, Loretta	Lipinski	Peterson (MN)	Souder
Matheson	Price (GA)	Sullivan	Carson	Kucinich	Sanders	Lucas	Peterson (PA)	Spratt
McCaul (TX)	Pryce (OH)	Tancred	Case	Langevin	Saxton	Mack	Petri	Stearns
McCotter	Putnam	Tanner	Cleaver	Lantos	Schakowsky	Manzullo	Pickering	Strickland
McCrery	Radanovich	Taylor (MS)	Conyers	Larson (CT)	Schiff	Marchant	Pitts	Sullivan
McHenry	Ramstad	Taylor (NC)	Cooper	Lee	Schwartz (PA)	Marshall	Platts	Tancred
McHugh	Regula	Terry	Cummings	Levin	Scott (VA)	Matheson	Poe	Tanner
McIntyre	Rehberg	Thomas	Davis (CA)	Lewis (GA)	Serrano	McCaul (TX)	Pombo	Taylor (NC)
McKeon	Reichert	Thornberry	Davis (FL)	LoBiondo	Shays	McCotter	Porter	Terry
McMorris	Renzi	Tiahrt	DeFazio	Lofgren, Zoe	Sherman	McCrery	Price (GA)	Thomas
Meeke (NY)	Reynolds	Tiberti	DeGette	Lowey	Simmons	McHenry	Pryce (OH)	Thompson (MS)
Melancon	Rogers (AL)	Turner	Delahunt	Lungren, Daniel	Slaughter	McHugh	Putnam	Thornberry
Mica	Rogers (KY)	Walden (OR)	DeLauro	E.	Smith (NJ)	McIntyre	Radanovich	Tiahrt
Michaud	Rogers (MI)	Walsh	Dicks	Lynch	Smith (WA)	McKeon	Ramstad	Tiberi
Miller (FL)	Rohrabacher	Walsh	Dingell	Maloney	Snyder	McMorris	Regula	Turner
Miller (MI)	Royce	Wamp	Doggett	Markey	Solis	Meek (FL)	Rehberg	Upton
Miller, Gary	Ruppersberger	Weldon (FL)	Emanuel	Matsui	Stark	Meeke (NY)	Reichert	Walden (OR)
Moran (KS)	Ryan (WI)	Weldon (PA)	Engel	McCarthy	Stupak	Melancon	Renzi	Walsh
Murphy	Ryun (KS)	Weller	Eshoo	McCollum (MN)	Tauscher	Mica	Reynolds	Wamp
Murtha	Saxton	Westmoreland	Farr	McDermott	Taylor (MS)	Michaud	Rogers (AL)	Weldon (FL)
Musgrave	Schmidt	Whitfield	Fattah	McGovern	Thompson (CA)	Miller (FL)	Rogers (KY)	Weller
Neugebauer	Schwarz (MI)	Wicker	Finer	McKinney	Tierney	Miller (MI)	Rogers (MI)	Westmoreland
Ney	Scott (GA)	Wilson (NM)	Fitzpatrick (PA)	McNulty	Towns	Miller (NC)	Rohrabacher	Whitfield
Northup	Sensenbrenner	Wilson (SC)	Foley	Meehan	Udall (CO)	Miller, Gary	Royce	Wicker
Nunes	Sessions	Wynn	Frank (MA)	Miller, George	Udall (NM)	Moore (KS)	Ruppersberger	Wilson (NM)
Nussle	Shadegg	Young (AK)	Gerlach	Mollohan	Van Hollen	Moran (KS)	Ryan (OH)	Wilson (SC)
Ortiz	Shaw	Young (FL)	Gilchrest	Moore (WI)	Velázquez	Moran (VA)	Ryan (WI)	Wynn
			Green, Al	Nader	Visclosky	Murphy	Ryun (KS)	Young (AK)
			Green, Gene	Napolitano	Wasserman	Murtha	Schmidt	Young (FL)
			Grijalva	Neal (MA)	Schultz	Musgrave	Schwarz (MI)	
			Gutierrez	Oberstar				
			Harman	Obey				
			Hastings (FL)	Oliver				
			Hinche	Owens				
			Holt	Pallone				
			Honda	Pascrell				
			Hoyer	Pastor				
			Inslie	Paul				
			Israel	Payne				
			Issa	Pelosi				

NOT VOTING—13

Burton (IN)	Evans	Norwood
Costa	Gonzalez	Ros-Lehtinen
Cubin	Meek (FL)	Salazar
Diaz-Balart, L.	Millender-	Sweeney
Diaz-Balart, M.	McDonald	

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. PRICE of Georgia) (during the vote). Members are advised there are 2 minutes remaining.

□ 1824

Mr. MARCHANT and Mr. CRENSHAW changed their vote from "aye" to "no."

Ms. WATERS changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MRS. CAPPS

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Mrs. CAPPS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 161, noes 259, not voting 12, as follows:

[Roll No. 29]

AYES—161

Abercrombie	Andrews	Bean
Ackerman	Baca	Becerra
Allen	Baird	Berkley

Aderholt	Chandler	Gibbons
Akin	Chocola	Gillmor
Alexander	Clay	Gingrey
Bachus	Clyburn	Gohmert
Baker	Coble	Goode
Baldwin	Cole (OK)	Goodlatte
Barrett (SC)	Conaway	Gordon
Barrow	Costello	Granger
Bartlett (MD)	Cramer	Graves
Barton (TX)	Crenshaw	Green (WI)
Bass	Crowley	Gutknecht
Beauprez	Cuellar	Hall
Berry	Culberson	Harris
Biggert	Davis (AL)	Hart
Bilirakis	Davis (IL)	Hastings (WA)
Bishop (GA)	Davis (KY)	Hayes
Bishop (UT)	Davis (TN)	Hayworth
Blackburn	Davis, Jo Ann	Hefley
Blunt	Davis, Tom	Hensarling
Boehner	Deal (GA)	Hergert
Bonilla	DeLay	Herseth
Bonner	Dent	Higgins
Boozman	Doolittle	Hinojosa
Boren	Doyle	Hobson
Boswell	Drake	Hoekstra
Boustany	Dreier	Holden
Boyd	Duncan	Hooley
Bradley (NH)	Edwards	Hostettler
Brady (TX)	Ehlers	Hulshof
Brown (SC)	Emerson	Hunter
Brown-Waite,	English (PA)	Hyde
Ginny	Etheridge	Inglis (SC)
Burgess	Everett	Istook
Butterfield	Feeney	Jefferson
Buyer	Ferguson	Jenkins
Calvert	Flake	Jindal
Camp (MI)	Forbes	Johnson (IL)
Campbell (CA)	Ford	Johnson, Sam
Cannon	Fortenberry	Kanjorski
Cantor	Fossella	Keller
Capito	Fox	Kennedy (MN)
Cardoza	Franks (AZ)	King (IA)
Carter	Frelinghuysen	King (NY)
Castle	Gallely	Kingston
Chabot	Garrett (NJ)	Kirk

NOES—259

Waters	Watt	Waxman	Weiner	Weldon (PA)	Wexler	Wolf	Woolsey	Wu
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NOT VOTING—12

Burton (IN)	Evans	Ros-Lehtinen
Costa	Gonzalez	Salazar
Cubin	Millender-	Sweeney
Diaz-Balart, L.	McDonald	
Diaz-Balart, M.	Norwood	

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. PRICE of Georgia) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1831

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MS. WASSERMAN SCHULTZ

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) 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 Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 253, noes 168, not voting 11, as follows:

[Roll No. 30]

AYES—253

Abercrombie	Baird	Becerra
Ackerman	Baldwin	Berkley
Allen	Barrow	Berman
Andrews	Bartlett (MD)	Bilirakis
Baca	Bean	Bishop (GA)

Bishop (NY) Holdren  
Blumenauer Holt  
Boehlert Honda  
Bonner Hooley  
Bono Hoyer  
Boswell Inslee  
Bradley (NH) Israel  
Brady (PA) Issa  
Brown (OH) Jackson (IL)  
Brown, Corrine Jackson-Lee  
Brown-Waite, (TX)  
Ginny Jefferson  
Butterfield Johnson (CT)  
Camp (MI) Jones (NC)  
Capito Jones (OH)  
Capps Kanjorski  
Capuano Kaptur  
Cardin Keller  
Cardoza Kelly  
Carnahan Kennedy (RI)  
Carson Kildee  
Case Kilpatrick (MI)  
Castle Kind  
Chabot Kirk  
Chandler Kucinich  
Cleaver Kuhl (NY)  
Clyburn LaHood  
Conyers Langevin  
Cooper Lantos  
Crowley Larson (CT)  
Cuellar LaTourette  
Culberson Leach  
Cummins Lee  
Davis (AL) Levin  
Davis (CA) Lewis (CA)  
Davis (FL) Lewis (GA)  
Davis (IL) LoBiondo  
Davis (TN) Lofgren, Zoe  
Davis, Jo Ann Lowey  
DeFazio Lungren, Daniel  
DeGette E.  
Delahunt Lynch  
DeLauro Mack  
Dent Maloney  
Dicks Markey  
Dingell Marshall  
Doggett Matheson  
Duncan Matsui  
Emanuel McCarthy  
Emerson McCollum (MN)  
Engel McCotter  
English (PA) McDermott  
Eshoo McGovern  
Etheridge McHugh  
Farr McIntyre  
Fattah McKinney  
Ferguson McNulty  
Filner Meehan  
Fitzpatrick (PA) Meek (FL)  
Foley Meeks (NY)  
Ford Melancon  
Fortenberry Michaud  
Fossella Millender-  
Frank (MA) McDonald  
Frelinghuysen Miller (MI)  
Gerlach Miller (NC)  
Gilchrest Miller, George  
Gingrey Mollohan  
Goode Moore (WI)  
Green, Al Moran (VA)  
Green, Gene Myrick  
Grijalva Nadler  
Gutierrez Napolitano  
Harman Neal (MA)  
Harris Oberstar  
Hart Obey  
Hastings (FL) Olver  
Hefley Otter  
Herseeth Owens  
Higgins Pallone  
Hinchev Pascarell  
Hinojosa Pastor

Paul Dreier  
Payne Edwards  
Pelosi Ehlers  
Platts Everett  
Pomeroy Feeney  
Price (GA) Flake  
Price (NC) Forbes  
Putnam Foxx  
Rahall Franks (AZ)  
Jackson-Lee Gallely  
Rangel Garrett (NJ)  
Regula Gibbons  
Reyes Gillmor  
Ross Gohmert  
Rothman Goodlatte  
Roybal-Allard Gordon  
Rush Granger  
Ryan (OH) Graves  
Ryan (WI) Green (WI)  
Sabó Gutknecht  
Sánchez, Linda Hall  
T. Hastings (WA)  
Hayes  
Sanchez, Loretta Hayworth  
Sanders Hensarling  
Saxton Herger  
Schakowsky Hobson  
Schiff Hoekstra  
Schwartz (PA) Hostettler  
Schwarz (MI) Hulshof  
Scott (GA) Hunter  
Scott (VA) Hyde  
Sensenbrenner Inglis (SC)  
Serrano Istook  
Shaw Jenkins  
Shays Jindal  
Sherman Johnson (IL)  
Simmons Johnson, E. B.  
Skelton Johnson, Sam  
Slaughter Kennedy (MN)  
Smith (NJ) King (IA)  
Smith (WA)  
Snyder  
Solis  
Spratt  
Stark  
Strickland  
Stupak  
Tauscher  
Taylor (MS)  
Thompson (CA)  
Thompson (MS)  
Tierney  
Towns  
Turner  
Udall (CO)  
Udall (NM)  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walsh  
Wamp  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Weldon (FL)  
Weldon (PA)  
Weller  
Wexler  
Whitfield  
Wilson (NM)  
Wolf  
Woolsey  
Wu  
Wynn  
Young (FL)

King (NY) Poe  
Kingston Pombo  
Kline Porter  
Knollenberg Pryce (OH)  
Kolbe Radanovich  
Larsen (WA) Rehberg  
Latham Reichert  
Lewis (KY) Renzi  
Linder Reynolds  
Lipinski Rogers (AL)  
Lucas Rogers (KY)  
Manzullo Rogers (MI)  
Marchant Rohrabacher  
McCaul (TX) Royce  
McCreary Ruppertsberger  
McHenry Ryun (KS)  
McKeon Schmidt  
McMorris Sessions  
Mica Shadegg  
Miller (FL) Sherwood  
Miller, Gary Shimkus  
Moore (KS) Shuster  
Moran (KS) Simpson  
Murphy Smith (TX)  
Murtha Sodrel  
Musgrave Souder  
Neugebauer Stearns  
Ney Sullivan  
Northup Tancred  
Nunes Tanner  
Nussle Taylor (NC)  
Ortiz Terry  
Osborne Thomas  
Oxley Thornberry  
Pearce Tiahrt  
Pence Tiberi  
Peterson (MN) Walden (OR)  
Peterson (PA) Westmoreland  
Petri Wicker  
Pickering Wilson (SC)  
Pitts Young (AK)

NOT VOTING—11

Burton (IN) Diaz-Balart, M. Ros-Lehtinen  
Costa Evans Salazar  
Cubin Gonzalez Sweeney  
Diaz-Balart, L. Norwood

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 1839

Mr. PRICE of Georgia and Mr. OTTER changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. There being no further amendments in order under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DAVIS of Kentucky) having assumed the chair, Mr. PRICE of Georgia, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4167) to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes, pursuant to House Resolution 710, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. 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:

Mr. Stupak moves to recommit the bill, H.R. 4167, to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendments:

Page 4, beginning on line 1, strike “Except as provided in subsections (c) and (d),” and insert “Except as provided in paragraph (4) and subsections (c) and (c).”

Page 5, after line 16, insert the following:

“(4) NOTIFICATION REGARDING TREATMENT OF MEAT, POULTRY, OR FISH WITH CARBON MONOXIDE.—Paragraph (1) does not apply to a notification described in such paragraph if the notification concerns meat, poultry, or fish and warns that such food has been treated with carbon monoxide.”

Mr. STUPAK (during the reading). 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 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 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 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

NOES—168

Aderholt Bonilla  
Akin Boozman  
Alexander Boren  
Bachus Boucher  
Baker Boustany  
Barrett (SC) Boyd  
Barton (TX) Brady (TX)  
Bass Brown (SC)  
Beauprez Burgess  
Berry Buyer  
Biggart Calvert  
Bishop (UT) Campbell (CA)  
Blackburn Cannon  
Blunt Cantor  
Boehner Carter

Chocola  
Clay  
Coble  
Cole (OK)  
Conaway  
Costello  
Cramer  
Crenshaw  
Davis (KY)  
Davis, Tom  
Deal (GA)  
DeLay  
Doolittle  
Doyle  
Drake

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, according to studies dating back to 1972. Yet the FDA, in making its decision, only looked at information provided to it by the meat industry.

□ 1845

It did not do its own independent research or studies. It did not solicit any public comments. Currently States may pass their own laws to notify consumers that their meat may be packaged with carbon monoxide and may not be as fresh as it appears. But those laws will about be overturned if this bill becomes law.

My motion to recommit is simple. It allows States to act regarding consumer notification of carbon monoxide-treated meat, poultry and fish. Is this really the standard we want for our country for the public health and safety of food, which have been primarily left to the States? We should not tie the hands of the States who want to protect 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 agree on the State's 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 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 underneath 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 is asked the same question I am 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 we look to government, for clean 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 debate on this bill gives new meaning to the words "food fight." Mr. Speaker, that is why I am opposing this legislation. The effects of this bill are breathtaking. It undermines the lifesaving laws in place throughout our country, voiding approximately 200 State laws on food safety 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 recommitment.

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, submit the rest of my words for the RECORD, and urge my colleagues to observe this picture and decide if you want to eat any of that meat. Vote for the Stupak amendment and oppose the underlying bill. Vote for the children of America.

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 bill prohibits a State 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 a State or political or subdivision of the State from establishing or enforcing or continuing in effect a requirement relating to freshness dating.

The gentleman from Michigan's underlying motion to commit doesn't 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 proceeding 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 Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. STUPAK. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 170, noes 254, not voting 8, as follows:

[Roll No. 31]

AYES—170

Abercrombie	Cuellar	Holden
Ackerman	Cummings	Holt
Allen	Davis (CA)	Honda
Andrews	Davis (FL)	Hooley
Baca	DeFazio	Hoyer
Baird	DeGette	Inlee
Baldwin	Delahunt	Israel
Barrow	DeLauro	Jackson (IL)
Bean	Dicks	Jackson-Lee
Becerra	Dingell	(TX)
Berkley	Doggett	Jefferson
Berman	Doyle	Johnson, E. B.
Bishop (NY)	Emanuel	Jones (OH)
Blumenauer	Engel	Kanjorski
Brady (PA)	Eshoo	Kaptur
Brown (OH)	Etheridge	Kennedy (RI)
Brown, Corrine	Farr	Kildee
Butterfield	Fattah	Kilpatrick (MI)
Capps	Filner	Kind
Capuano	Ford	Kucinich
Cardin	Frank (MA)	Langevin
Carnahan	Green, Al	Lantos
Carson	Green, Gene	Larsen (WA)
Case	Grijalva	Larson (CT)
Cleaver	Gutierrez	Lee
Clyburn	Harman	Levin
Conyers	Hastings (FL)	Lewis (GA)
Cooper	Higgins	Lipinski
Crowley	Hinche	Lofgren, Zoe



Lowey  
Lynch  
Maloney  
Markey  
Marshall  
Matsui  
McCarthy  
McCollum (MN)  
McDermott  
McGovern  
McKinney  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Millender-  
McDonald  
Miller (NC)  
Miller, George  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murtha  
Nadler  
Napolitano  
Neal (MA)  
Oberstar  
Obey

Olver  
Owens  
Pallone  
Pascrell  
Pastor  
Payne  
Pelosi  
Pomeroy  
Price (NC)  
Rahall  
Rangel  
Reyes  
Ross  
Rothman  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sabo  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sanders  
Schakowsky  
Schiff  
Schwartz (PA)  
Scott (VA)  
Serrano  
Sherman

NOES—254

Aderholt  
Akin  
Alexander  
Bachus  
Baker  
Barrett (SC)  
Bartlett (MD)  
Barton (TX)  
Bass  
Beauprez  
Berry  
Bigbert  
Bilirakis  
Bishop (GA)  
Bishop (UT)  
Blackburn  
Blunt  
Boehrlert  
Boehner  
Bonilla  
Bonner  
Bono  
Boozman  
Boren  
Bowell  
Boucher  
Boustany  
Boyd  
Bradley (NH)  
Brady (TX)  
Brown (SC)  
Brown-Waite,  
Ginny  
Burgess  
Buyer  
Calvert  
Camp (MI)  
Campbell (CA)  
Cannon  
Cantor  
Capito  
Cardoza  
Carter  
Castle  
Chabot  
Chandler  
Chocola  
Clay  
Coble  
Cole (OK)  
Conaway  
Costello  
Cramer  
Crenshaw  
Culberson  
Davis (AL)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
Davis, Jo Ann  
Davis, Tom  
Deal (GA)  
DeLay  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Doolittle  
Drake

Dreier  
Duncan  
Edwards  
Ehlers  
Emerson  
English (PA)  
Everett  
Feeney  
Ferguson  
Fitzpatrick (PA)  
Flake  
Foley  
Forbes  
Fortenberry  
Fossella  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Gibbons  
Gilchrest  
Gillmor  
Gingrey  
Gohmert  
Goode  
Goodlatte  
Gordon  
Granger  
Graves  
Green (WI)  
Gutknecht  
Hall  
Harris  
Hart  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Hensarling  
Herger  
Herseth  
Hinojosa  
Hobson  
Hoekstra  
Hostettler  
Hulshof  
Hunter  
Hyde  
Inglis (SC)  
Issa  
Istook  
Jenkins  
Jindal  
Johnson (CT)  
Johnson (IL)  
Johnson, Sam  
Jones (NC)  
Keller  
Kelly  
Kennedy (MN)  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kline  
Knollenberg

Kolbe  
Kuhl (NY)  
LaHood  
Latham  
LaTourette  
Leach  
Lewis (CA)  
Linder  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Matheson  
McCaul (TX)  
McCotter  
McCrery  
McHenry  
McHugh  
McIntyre  
McKeon  
McMorris  
Melancon  
Mica  
Michaud  
Millender-  
McDonald  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Moore (KS)

Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Royce  
Ryan (WI)  
Ryun (KS)  
Saxton  
Schmidt  
Schwarz (MI)  
Scott (GA)  
Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Shays  
Sherwood  
Shimkus  
Shuster

Simmons  
Simpson  
Smith (NJ)  
Smith (TX)  
Sodrel  
Soudier  
Stearns  
Sullivan  
Tancredo  
Tanner  
Taylor (NC)  
Terry  
Thomas  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Udall (CO)

NOT VOTING—8

Burton (IN)  
Costa  
Cubin

Evans  
Gonzalez  
Norwood

Salazar  
Sweeney

□ 1910

So the motion to recommit was re-  
jected.

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  
Speaker pro tempore announced that  
the ayes appeared to have it.

RECORDED VOTE

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 was taken by electronic de-  
vice, and there were—ayes 283, noes 139,  
not voting 10, as follows:

[Roll No. 32]

AYES—283

Aderholt  
Akin  
Alexander  
Bachus  
Baker  
Barrett (SC)  
Barrow  
Bartlett (MD)  
Barton (TX)  
Bass  
Bean  
Beauprez  
Berry  
Bigbert  
Bilirakis  
Bishop (GA)  
Bishop (UT)  
Blackburn  
Blunt  
Boehrlert  
Boehner  
Bonilla  
Bonner  
Boozman  
Boren  
Bowell  
Boucher  
Boustany  
Boyd  
Bradley (NH)  
Brady (TX)  
Brown (SC)  
Brown-Waite,  
Ginny  
Burgess  
Butterfield  
Buyer  
Calvert  
Camp (MI)  
Campbell (CA)  
Cannon  
Cantor  
Capito  
Cardoza  
Carter  
Castle

Chabot  
Chandler  
Chocola  
Clay  
Clever  
Coble  
Cole (OK)  
Conaway  
Costello  
Cramer  
Crenshaw  
Crowley  
Cuellar  
Culberson  
Davis (AL)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
Davis, Jo Ann  
Davis, Tom  
Deal (GA)  
DeLay  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Doolittle  
Doyle  
Drake  
Dreier  
Duncan  
Edwards  
Ehlers  
Emanuel  
Emerson  
English (PA)  
Etheridge  
Everett  
Feeney  
Ferguson  
Forbes  
Fortenberry  
Fossella  
Foxy  
Franks (AZ)  
Frelinghuysen

Galgely  
Gerlach  
Gibbons  
Gilchrest  
Gillmor  
Gingrey  
Gohmert  
Goode  
Goodlatte  
Gordon  
Granger  
Graves  
Green (WI)  
Green, Al  
Gutknecht  
Hall  
Harris  
Hart  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Hensarling  
Herger  
Herseth  
Higgins  
Hinojosa  
Hobson  
Hoekstra  
Holden  
Hooley  
Hostettler  
Hulshof  
Hunter  
Hyde  
Inglis (SC)  
Israel  
Issa  
Istook  
Jackson-Lee  
(TX)  
Jefferson  
Jenkins  
Jindal  
Johnson (CT)  
Johnson (IL)

Johnson, E. B.  
Johnson, Sam  
Jones (OH)  
Kanjorski  
Keller  
Kennedy (MN)  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kline  
Knollenberg  
Kolbe  
Kuhl (NY)  
LaHood  
Larsen (WA)  
Latham  
LaTourette  
Leach  
Lewis (CA)  
Lewis (KY)  
Linder  
Lipinski  
LoBiondo  
Lucas  
Mack  
Manzullo  
Marchant  
Marshall  
Matheson  
McCaul (TX)  
McCotter  
McCrery  
McHenry  
McHugh  
McIntyre  
McKeon  
McMorris  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Millender-  
McDonald  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Moore (KS)

Moran (KS)  
Moran (VA)  
Murphy  
Murtha  
Musgrave  
Myrick  
Neugebauer  
Ney  
Northup  
Nunes  
Nussle  
Ortiz  
Osborne  
Otter  
Oxley  
Pearce  
Pence  
Peterson (MN)  
Peterson (PA)  
Petri  
Pickering  
Pitts  
Platts  
Poe  
Pombo  
Porter  
Price (GA)  
Price (NC)  
Pryce (OH)  
Putnam  
Radanovich  
Ramstad  
Regula  
Rehberg  
Reichert  
Renzi  
Reyes  
Reynolds  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Ross  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Ryun (KS)

Saxton  
Schmidt  
Schwarz (MI)  
Scott (GA)  
Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Sherwood  
Shimkus  
Shuster  
Simmons  
Simpson  
Skelton  
Smith (TX)  
Sodrel  
Souder  
Spratt  
Stearns  
Strickland  
Sullivan  
Tancredo  
Tanner  
Thompson (MS)  
Thornberry  
Tiahrt  
Tiberi  
Towns  
Turner  
Upton  
Velázquez  
Walden (OR)  
Walsh  
Wamp  
Watt  
Weldon (FL)  
Weldon (PA)  
Weller  
Westmoreland  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wynn  
Young (AK)

NOES—139

Abercrombie  
Ackerman  
Allen  
Andrews  
Baca  
Baird  
Baldwin  
Becerra  
Berkley  
Berman  
Bishop (NY)  
Blumenauer  
Bono  
Brady (PA)  
Brown (OH)  
Brown, Corrine  
Capps  
Capuano  
Cardin  
Carnahan  
Carson  
Case  
Clyburn  
Conyers  
Cooper  
Cummings  
Davis (CA)  
Davis (FL)  
DeFazio  
DeGette  
DeLauro  
Dicks  
Dingell  
Doggett  
Engel  
Eshoo  
Farr  
Fattah  
Filner  
Fitzpatrick (PA)  
Flake  
Foley  
Ford  
Frank (MA)  
Garrett (NJ)  
Green, Gene

Grijalva  
Gutierrez  
Harman  
Hastings (FL)  
Hinchesy  
Holt  
Honda  
Hoyer  
Inslee  
Jackson (IL)  
Jones (NC)  
Kaptur  
Kelly  
Kennedy (RI)  
Kildee  
Kilpatrick (MI)  
Kind  
Kucinich  
Langevin  
Lantos  
Lee  
Levin  
Lewis (GA)  
Lofgren, Zoe  
Lowey  
Lungren, Daniel  
E.  
Lynch  
Maloney  
Markey  
Matsui  
McCarthy  
McCollum (MN)  
McDermott  
McGovern  
McKinney  
McNulty  
Meehan  
Miller, George  
Mollohan  
Moore (WI)  
Nadler  
Napolitano  
Neal (MA)  
Oberstar  
Obey

Olver  
Owens  
Pallone  
Pascrell  
Pastor  
Paul  
Payne  
Pelosi  
Pomeroy  
Rahall  
Rangel  
Rothman  
Roybal-Allard  
Sabo  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sanders  
Schakowsky  
Schiff  
Schwartz (PA)  
Scott (VA)  
Serrano  
Shays  
Sherman  
Slaughter  
Smith (NJ)  
Smith (WA)  
Snyder  
Solis  
Stark  
Stupak  
Tauscher  
Thompson (CA)  
Tierney  
Udall (CO)  
Udall (NM)  
Van Hollen  
Visclosky  
Wasserman  
Schultz  
Waters  
Watson  
Waxman

Weiner	Wolf	Wu
Wexler	Woolsey	Young (FL)

## NOT VOTING—10

Burton (IN)	Gonzalez	Sweeney
Costa	Larson (CT)	Thomas
Cubin	Norwood	
Evans	Salazar	

□ 1925

So the bill 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. I was absent on Wednesday, March 8, 2006, for personal reasons. My intended votes are as follows: Rollcall vote 27 on the Cardoza Amendment to H.R. 4167—"aye"; rollcall vote 28 on the Waxman Amendment to H.R. 4167—"no"; rollcall vote 29 on the Capps, Stupak, Waxman, Eshoo Amendment to H.R. 4167—"no"; rollcall vote 30 on the Wasserman Schultz Amendment to H.R. 4167—"no"; rollcall vote 31 on the Motion to Recommit on H.R. 4167—"no"; rollcall vote 32 on the Final Passage of H.R. 4167—"aye."

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2829, OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION ACT OF 2005

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 109-387) on the resolution (H. Res. 713) providing for consideration of the bill (H.R. 2829) to reauthorize the Office of National Drug Control Policy Act, which was referred to the House Calendar and ordered to be printed.

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 683. An act to amend the Trademark Act of 1946 with respect to dilution by blurring or tarnishment.

## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## JUST SAY NO TO FOREIGN CONTROL OF OUR PORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, I rise tonight 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, who 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, Malta, who is 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 is really 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. For them commerce 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 United States airlines, Congress did not mean control. In fact, in their world they are saying, well, foreigners could control U.S. airlines, they could only just control them commercially, but they could not safety and security.

If you have foreign management, foreign ownership, how do you wall 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.

□ 1930

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 our 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 onboard 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, who have 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 the UAE, and then to cut off 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 the businesses 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 back 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 leadership. The membership 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

debt is \$8.2 trillion. More than 25 percent, or \$2 trillion of that national debt, is owned by foreign countries. China owns \$300 billion of our public debt in bonds and Treasury notes. Our trade deficit with China is \$200 billion alone.

Between 1989 and 2003, the United States lost 1.5 million jobs to China. According to the Wall Street Journal, China plans to increase its military spending by 14.7 percent, the biggest increase in its defense budget in 4 years.

A U.S. Government report issued in July said China is building up its military to be able to project power beyond Taiwan. The Pentagon budget issued this January stated that in the future China will have the greatest potential to compete militarily with the United States of America.

Mr. Speaker, China has taken proceeds from our trade deficit and budget deficit and used the money to fund its military buildup. America has done nothing to address the problem as our trade policy continues to give every advantage to China's state-owned companies who continue to take American jobs and sell cheap goods that American workers used to produce.

Mr. Speaker, I have joined with Republican DALE KILDEE of Michigan and other Members of Congress in both parties to sponsor legislation to say that trade should be fair. What is good for America should be good for China. And what is good for China should be good for America.

H.R. 4808, the Unfair Chinese Automotive Tariff Equalization Act, does not require U.S. tariffs on passenger cars to be raised or Chinese tariffs to be lowered. The bill simply states that until tariff rates are equal, no Chinese-made cars may be imported into America.

Mr. Speaker, right now if America sells cars in China, they pay a 28 percent tariff. But the United States tariff on Chinese cars will only be 2.5 percent. That is unfair and unacceptable. I hope that the House of Representatives will bring H.R. 4808 to the floor, and, by passing this legislation, say to the trade negotiators, both Chinese and American, all we want is fairness for the American workers.

Mr. Speaker, with that I yield back my time, but I will close by also saying that I pray to God that He will bless our men and women in uniform and their families, and I ask God to continue to bless America.

#### PRESIDENT'S GAP BETWEEN RHETORIC AND REALITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. VAN HOLLEN) is recognized for 5 minutes.

Mr. VAN HOLLEN. Mr. Speaker, just 35 days ago I attended the President's State of the Union address with other Members of Congress right here in this Chamber. And that night I was very

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 when it comes to 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 to encourage innovation throughout 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 is 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 up 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 night in 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 have 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.

So 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 that into law 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 was right. But while he increased, 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. INSLEE, 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 spectacle 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 very sound 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 addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### SECURE TEXAS-MEXICO BORDER

Mr. POE. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from California (Mr. DREIER).

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 crisis 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. Americans always pay.

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 of education costs, goes to those illegally in the United States. They take from America and do not contribute to these expenses.

There is more, Mr. Speaker. In California, San Diego County spends \$50 million a year in the arrest, jailing, and prosecution and defense of illegal immigrants for crimes committed after they enter the United States.

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 25 percent of Cochise County's budget is paid to health care for the uninsured. Most 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 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 let go. Others are put in local jails, and once again, 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. 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 some ridiculous policy that 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 out-gunned, out-numbered, 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 contract mercenaries from other countries to bring drugs and people across to the United States, across our borders.

□ 1945

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, Homeland Security reported that 140,000 detainees apprehended at the border had criminal records at the time of their arrest.

Mr. Speaker, we must fight harder against the insurgent uprising at our borders and become more vigilant than we already are. Three groups enter our land illegally: those drug dealers, terrorist operatives and citizens from other countries. The illegals and drug cartels are only becoming more ruthless and defiant every day. That is because lawlessness on our border breeds more lawlessness.

Mr. Speaker, Third World countries protect their borders better than we do, the most powerful Nation on Earth. The failure of this Congress to act quickly on correcting our country's broken borders trickles down to the communities we all represent. We must enforce existing laws, as well as pass new ones that stop this lawlessness. We cannot ignore the facts and the key word is "illegal." It is illegal entry that we must stop.

Congress and America must have the moral resolve to protect the dignity of

our country. Send the word. We will secure our borders. That is just the way it is.

#### IN SEARCH OF A COMPETENT CONSERVATIVE

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). Under a previous order of the House, the gentleman from Illinois (Mr. Emmanuel) is recognized for 5 minutes.

Mr. EMMANUEL. Mr. Speaker, over the last couple of months and years, the American people have seen what has happened from Iraq, to Medicare, to port security, the economy and Katrina, and the government and this administration's response.

In the 2000 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 those areas, forget just compassionate conservative, I would settle for a competent conservative at this point.

The response by this government in every one of those areas that created the kind of chaos that has happened, 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, nothing to worry about, our problem is 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 a half a million troops; yet, to occupy Iraq, 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 hear no evil, see 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, companies are walking away with money, 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 notified 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 will 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 retired earlier this month after 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 adversity. 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 her 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 worked in vice, 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 she plans to spend time in her retirement with her 96-year-old mother.

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 Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

woman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) is recognized for 5 minutes.

(Ms. GINNY BROWN-WAITE of Florida addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

#### HONORING FIRST LIEUTENANT GARRISON AVERY

Mr. FORTENBERRY. Mr. Speaker, I ask unanimous consent to speak out of order.

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

There was no objection.

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 two 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. He served 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 steadied 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 gentleman from California (Mr. BACA) is recognized for 5 minutes.

(Mr. BACA 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 (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 gentleman from Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

(Ms. CORRINE BROWN of Florida addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

### 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, first 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 also 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 many 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 country continues to lag 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.

□ 2000

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 slashes programs established to give young working mothers a leg up, like Medicare, Medicaid, housing, 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 saddened to say that domestic violence affects far too many women, and an 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 in grades 9 through 12 have been the victim of abuse.

So tonight we are here because training, education, and employment statis-

tics 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 engineering 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 confused, Mr. Speaker. And if you think 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 37 percent of women ages 18 to 44 report that 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 9.4 million women in 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. There 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. 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 Representative DEBBIE WASSERMAN SCHULTZ and Representative STEPHANIE HERSETH because together we make up the youngest women in the U.S. House of Representatives. It is my hope that someday soon there will be more than just three of us standing up here. In fact, 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 families. 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 common because it was not so long ago that women 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 career opportunities and achieve professional successes in all fields. But have we truly reached equality in the American workforce? Sadly, the answer is no.

The Equal Pay Act was passed more than 40 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 has been. According to a recent op-ed in *USA Today*, we still have miles to go before we can claim true equality.

Women make up less than 15 percent of Congress and law-firm partners, 12 percent of big-city mayors, 9 percent of judges, and just 1 percent of Fortune 500 CEOs. Women and men have had equal levels of post-high school education for 30 years, but the gender and color of those in power has not changed much in that time.

My experiences during my first year in Congress are very similar to the experiences that I had as a young female attorney. You have to work twice as hard as men to dispel people's doubts about preconceived notions that they might have of you. I had to deal with that from day one in Washington. Many people in Washington, D.C. are still not convinced that I am a Congresswoman because I am young, female, and Latina. A lot of people still assume that Members of Congress are men, and that leads to a whole lot of double standards here. In addition, I was surprised to learn that I am the first Latina in the history of the United States House of Representatives to serve on the Judiciary Committee and the Immigration Subcommittee.

In every field, the higher up you look, the fewer women you see. And if

you look in the other direction, women still remain disproportionately concentrated 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 workforce equality still remains an elusive goal. But it is a goal I am not willing to give up on.

Tonight, we celebrate Women's History Month because we have come so far after so much struggle and we deserve an opportunity to reflect our successes. 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 critical steps to empower women to negotiate for equal pay, create strong incentives for employers to obey the laws that are in place, and strengthen Federal outreach and enforcement efforts. I encourage people to contact their Member of Congress and let them know they support H.R. 1687, the Paycheck Fairness Act.

Right now, there are only 88 cosponsors 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, mothers, 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 workforce.

Women's increased access to higher education will be a moot point until our society provides better policies for working women. We owe it to our mothers, sisters and daughters. And while talking about better policies, I want to briefly touch as well 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 increased by 4.3 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, legislation that would raise the minimum wage from \$5.15 an hour to \$7.25 an hour and help lift millions of Americans out of poverty. Women and children 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 significantly raising the status of women and children.

In order to truly commemorate Women's History Month, I think we need to

remember that actions speak louder than words. I know the American public is tired of hearing politicians highlight our country's problems without offering any real-life solutions. Tonight, I have touched on two problems and I have named two real solutions that are on the table right now. 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 behalf of all women and all working families.

Mr. Speaker, at this time, I am pleased to yield back to the Representative 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 gentlewoman 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 Democratic women in honor of Women's History 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 exercise 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, health care for rural women, and 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 became such an important part of women's history in being elected the first woman as the Democratic whip, followed 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 throughout 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 Dakota. 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 Representatives. 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 we hope 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 farm a ranch in the northeastern 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 1950s, 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, either with our own children or 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 I think 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 importance of so much of what we are doing for them and for younger girls and women to know that they can do it too.

Now, when I was first getting involved, so much attention was given to my dad and my grandfather, but it was my grandmother who was the first to get involved, before she ever became a Herseth. She ran in the Great Depression for superintendent of county schools, back in the mid- to late 1930s. She paved the way. She wasn't going to let conventional wisdom get in her way. She ran at a time when it was so difficult and she used her salary, it was an elected position in South Dakota, and she used that salary to help put her two nieces through college. She would share with me stories about serving as superintendent of county schools, the importance of education, and then serving as first lady and secretary of state, and she had an extraordinary influence on my life.

That is why I think it is so important for all of us to know that these are precious gifts we have been given by women who have paved the way before

us, and that for those of us with children or sisters or grandchildren and nieces, we need to make sure that we are talking to them about the importance of what we have done to continue to help pave that way, to keep the door open, and to open new doors for women to have an influence in public policy and in public life and government at all levels.

□ 2015

Let me just share a quote when we talk about some of the women that have paved the way. I want to sort of selfishly focus on some of the women who were from my area of the country in the late 1800s and early 1900s and part of the women's suffrage movement.

But Ruth Bader Ginsburg, now the only woman serving on the United States Supreme Court, noted, "I think about how much we owe to the women who went before us, legions of women, 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, 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 Women's 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 we ever elected to the United States Senate was 1938, Gladys Pyle. And 66 years later, 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 made to be sure. But I think it is very important as 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 represent 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 embodiment 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 we had that opportunity because of the opportunities that Democrats try to provide in terms of diversity. 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 very different experience and perhaps some very shiny glass ceilings, as you referred to.

I was 25 when I started running for the Florida House of Representatives. I would imagine that in South Dakota it is probably that you have to be fifth-generation South Dakotan before you would think about running for public office, certainly running for Congress. I had only lived in my community for 3 years when I decided to run for the State House of Representatives. For me, that was no different than anyone else who lives in my community. If you are from south Florida now, you certainly are not from south Florida since birth.

The reason I was able to contemplate the possibility of running was because we have had so many of the women we serve with here really provide us their shoulders to stand on because they fought in the 1970s and even some in the 1960s to make it possible for women to bust through that glass ceiling; that I was able to even think about running for office when I was 25, just married a year, my husband and I had just bought our first house. We knew we wanted to have kids. I was raised to believe my parents at dinner table conversation, I would not have to choose. A woman could be a good mom, have a solid marriage and be a hardworking professional, and do all of those things well.

So the generation before us of women, because they made that 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, we are in 2006, 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. SANCHEZ 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 elected in 1996, 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 those 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 my 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 2004 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 numbers 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. So for 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 never mind 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 make sure that they can 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, then struggle not only with the child 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 that we have seen from 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 challenges to having health care services, especially in smaller communities that are working to revitalize themselves, but the budget situa-

tion 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. SANCHEZ 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 wage, and we have not seen 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 all of these 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 pretty radical 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 students loans, loans which I am still paying back today.

□ 2030

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 so out of place 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.

It is such a wise investment 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. Now, more than ever, we should think about investing in young women, not foreclosing those opportunities for them.

Ms. WASSERMAN SCHULTZ. You are so right. You are choking off 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, 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 mother understand 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 I am in the poorer section of my district or the wealthiest section of my district, people are scratching their heads. Their confidence in their government under this Republican leadership has been so badly shaken because of the corruption and the cronyism and the tax cuts and the priorities being totally wrong.

Ms. HERSETH. If the gentlewoman would yield, back to the point that Ms. SÁNCHEZ made about Head Start, Mr. Speaker, I think this is so important as it relates to Women's History Month and the importance of the Head Start Program, the women that have been a core part of this program, I represent nine sovereign Native Tribes in the State of South Dakota, and tribal women are among the strongest advocates for Head Start, in both the in-home program as well as the traditional Head Start Program.

So I could not agree more that any budget, whether it comes from the administration or the majority in this House, that would slash or freeze or not adequately fund Head Start programs to meet school readiness is inexcusable, as well as what had you both mentioned, and Ms. SÁNCHEZ, I too am paying off those student loans, how important it is to have access to ways to finance one's higher education to become that productive citizen, a taxpayer in one's community, giving back and finding good opportunities.

But when you look at the impact of the egregious budget reconciliation bill

that this House passed by two votes earlier this year, that found a third of its savings from Federal student loan programs, it is also inexcusable. And when you tack that on to what is happening as I mentioned with Head Start in Indian country, we have very high up employment rates, so you can imagine what Native women are faced with.

But the one thing I want to mention, because we have been focusing on a number of the challenges, especially as it relates to the budget and the misplaced priorities, when we talk about Women's History Month I want to highlight what will always stand out as a hallmark, one of the most significant achievements of women banding together and being advocates, and that is in the area of breast cancer research and awareness.

My grandmother that I was mentioning earlier, she was a breast cancer survivor. One of my aunts is also a breast cancer survivor. I think that is a model of advocacy in all of women's health and how we find creative ways to adequately fund the research, as we have done through the Department of Defense programs that have existed for that research, and to continue it in other areas, and to applaud the women, to applaud the women that were the strategists, that were the activists, that brought this to the attention of so many here in the halls of Congress to make sure that this serious health issue was addressed that paved the way for us to address other health issues for women that we know are continuing to be challenges for us.

Ms. LINDA T. SÁNCHEZ of California. If you will yield, since we are on the topic of breast cancer, I want to mention two weeks ago I lost a Member of my staff in my district office. She had a 3-year battle with breast cancer. She died at the age of 49. She was the most wonderful, outspoken, helpful caseworker in our office.

Her husband said at her memorial service, "You know, Idalia Smith did not die. She was killed. She was killed by cancer." He was angry that more had not been done to try to help eliminate breast cancer in terms of one of these horrible diseases that causes such suffering and takes people from us far, far too soon.

Ms. WASSERMAN SCHULTZ. It is so sad how we literally now have reached the point in history where every person that you talk to can name a woman that they know that has touched their lives in some way that has fallen victim to breast cancer. One of my close friends, 42 years old, a mom of twin 5-year-olds, just passed away in December, also killed by breast cancer.

You know what is the most frustrating thing, is that we have only just in recent years been able to get NIH funding for women-specific disease study, and yet the President has now proposed a cut in funding for every institute in the NIH.

How are we going to reverse the trend in breast cancer? Breast cancer is

not even the leading cause of death in women in this country. It is heart disease. Heart disease is the leading cause of death. We only just accomplished having women-specific studies in that area.

Again, the priorities are just startling.

Ms. LINDA T. SÁNCHEZ of California. I just have this to say. We 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, yet they have no qualms about voting to slash 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 is, because there is an old saying, you 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.

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 straight out. 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

are not taking us forward by any measure.

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 upon us, because of the priorities that are so questionable as 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 it seems to take issues that have been so important to young women in particular to undermine some of those achievements through regulatory proposals.

Take for example 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 and contributed to the athletic, 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 participation 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 participates in sport 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 notice or public input, issued 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 will thereby perpetuate the cycle of discrimination in sports to which women have been subjected.

So this new clarification violates basic principles of equality and it threatens to reverse the enormous progress women and girls have made in sports since the enactment of Title IX in 1972, when the three of us were awful young.

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 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 engage 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.

We have been joined by a special member of the Women's Caucus, especially the Democratic Women's Caucus, for us someone who needs no introduction. But the gentlewoman from California has made history by becoming the first woman to lead either party's caucus in the United States House of Representatives. When she was elected as Democratic Leader, she broke glass ceilings that no woman thought was possible. We are so proud to have you join us for our special women's 30-something hour.

□ 2045

Ms. PELOSI. I thank the gentlewoman for yielding and 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 HERSETH of South Dakota.

As I came to the floor, I head 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 so many issues 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 who was a 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.

And I always like to tell the story that Patsy worked so hard on this, Patsy Mink did, and then it was going to be a very close fight. And at the time it met with great resistance; it still meets with some resistance here. But at the time it met with tremendous resistance in the Congress. But she got a promise from the Speaker

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 got 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 you might as well say yes 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 rededicate 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 difference.

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 disrupters: Rosa Parks, Coretta Scott King, Betty Friedan. And then just 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 fulfill 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 himself, today is the right moment 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 tell 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 this research. Perhaps it will be years or even decades before this potential is fulfilled. I hope not.

But Dana saw no excuse for setting back progress even 1 more day. By bringing hope to the sick and disabled with 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 step-children, Matthew and Alexandra; her father and her two sisters.

I take the time 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 cancer of the esophagus. 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 so proud of 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 Cecile work with me 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 30 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 great 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 of us.

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 strengthen their communities 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 for calling this Special Order. 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 HERSETH and her valuable contribution to the Agri-

culture 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 for our country.

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 are we honoring our responsibility to make the future better for the next generation? That has been the tradition in America from our 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](http://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 we 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 Congressman, who have now served in Congress for about 15 months, and when we get together on a regular basis, one of the overarching concerns that we voice to each other over and over and over



again was the tone in Washington and the remarkable partisanship in Washington. And we kind of brainstormed about what could we do to change that tone, to make a difference.

And so we came up with the Official Truth Squad. And we try to come every evening and share with the American people what we believe to be the truthful situation on whatever the topic is.

This instance tonight we are going to talk a little bit about the economy in just a short time. But I think what you have heard, Mr. Speaker, over the last hour, and much of it veiled in some very kind words, but what you have heard is a clear example of the politics of division. And it is the politics of division that many of our friends on the other side of the aisle seem to be wedded to, and I cannot tell you why that is.

It disturbs me. It is very distressing, because I think that it does not serve the greater purpose of why we are all here, why we are all elected to Congress, to try to solve the remarkable challenges that we have.

But the politics of division is, as you know, Mr. Speaker, is pitting one group against another in some really political way that really does not make a whole lot of sense. But it is appealing to people's lowest common denominator. It is appealing to their fears and to their basic instinct, and that, again, does a great disservice to us as a Nation.

I have quoted on this floor before something that I have attributed to President Abraham Lincoln. And I was so pleased that there are folks who are out there and interested in what we are talking about. And I stand corrected on that. It was felt to be consistent with President Lincoln's philosophy, but, in fact, it is attributable to Reverend William Boetcker, who was a leader and a public speaker in America born in 1873, died in 1962.

□ 2100

He talked about the politics of division. He talked about it a lot. He talked about the need for appropriate discourse and a social philosophy that he felt was consistent with President Lincoln's, and it has been confused with that in the past.

So I wish to share that with you again tonight, Mr. Speaker, because I think it really crystallizes what we ought not do here in the people's House because it does a disservice. And the quote goes like this:

"You cannot bring about prosperity by discouraging thrift. You cannot strengthen the weak by weakening the strong. You cannot help the wage earner by pulling down the wage payer. You cannot encourage the brotherhood of man by encouraging class hatred. You cannot help the poor by destroying the rich. You cannot build character and courage by taking away man's initiative and independence. You cannot help men permanently by doing for them what they could do for themselves."

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 endeavor as we are talking about 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 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 side of the 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 be able 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. The increases in employment 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 administration 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 series of 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, as we create new jobs and as wages 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 this because it is kind of 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.

You decrease this 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 this has got to stop.

The fact is we can and have cut back on discretionary spending in this Congress, but in order to really return our budget to fiscal sanity, we have no choice but to tackle serious entitlement reform.

On this floor, our colleagues from the Democratic Caucus, the other side of the aisle, complain about the deficit. Yet when this Republican Congress 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-Something Group 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, attacks and hollow rhetoric are all we hear from the other side. What we do not hear from the other side is a plan of action. What we don't hear from the other side is a set of principles. What we do not hear from the other side is a strategy for securing 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, their plan would include hefty tax 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 go on 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. And 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 had to support 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 no on 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 an opportunity 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 know, as all of us have been 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 to be able to plan for their future. Thank you very much.

Mr. PRICE of Georgia. Thanks for your participation, and your words tonight really were right to the point.

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.

□ 2115

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 project and being certain that we are talking 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 did 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 did 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, most likely it is going to be 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 compliance costs, then 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 tax reductions, it is so important that we realize that that benefits so many American women who are starting those businesses and are realizing the American dream and those gifts and opportunities and prosperities 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 most 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 that 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 we do not see taxes raised on our families, on our small businesses.

It is so important for these small businesses. I had a young lady in my office this week, and it is such a great story. She said, Mrs. BLACKBURN, 4 years ago I was working at McDonald's; I thought, well, I will never get that higher education. She attended a career college, and she gave me her business card where she is working.

I hear story after story after story of this, of women who have moved back in to see their educational dreams come true, to get that degree, to get that diploma, to complete that trade school and move into either working for themselves or working with someone else, but having that job, earning that paycheck, and they all want to be certain. We have a focus on what we are going to do about keeping their taxes low, what we are going to do about creating, creating the right environment so that jobs growth can take place.

I know that you join me in looking forward to the numbers that are going to come out on Friday when we are going to see about jobs growth for this first quarter of the year, and everybody is excited about looking at this because we know that this economy is on a good, solid track. We are seeing plenty of help in it, and much of it has to do with reducing regulation, reducing taxation and putting the focus on what we do to be certain that we have a healthy economy.

One of the things we talk about so often in my district, because I have a district where we have a lot of small businesses, small businesses are the number one employer. Upwards of 90 percent of all the jobs are attributed to small business growth, and my constituents, they keep me honest, and I love it because they remind me regularly that government does not create jobs, that they are the ones that are creating jobs. It is our job 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 making 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 1,000 or 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 into 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 getting jobs retraining, they are getting computer skills retraining, 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. Or whether they are 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 what we are here to try to do and make certain that we continue that economic environment.

We have been joined by Congressman MIKE CONAWAY. Congresswoman MARSHA BLACKBURN was with us. Congressman MIKE CONAWAY 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 who can tell us exactly what the right number ought to be, and I want to welcome Congressman CONAWAY and look forward to your comments this evening, the truthful comments about our economy.

Mr. CONAWAY. 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 helped fund the introspective. We 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 homes, 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 statistically valid, 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 periodically 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 a job. The needs were family needs and 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 solution being a job, because when a family gets a job, those 4.73 million jobs, I suspect, are associated with probably half that number or better, families, moms, dads, children whose lives are better every single day because 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 cannot be understated. In a body on the floor where hyperbole and overstating 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 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 tonight 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 create wealth and help families 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](http://cbo.gov), that looks at the 50-year trend in the growth in this Federal Government.

□ 2130

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 gag 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, of the kinds of things of the America that, quite frankly, my colleague 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 doesn't look better than the one 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 beginning now to address 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 drive 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 grandchildren 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 in fact do 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 creating 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 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 colleague 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

problem with cutting Federal spending, whether it is discretionary spending or mandatory spending, every single dollar that the Treasury writes a check for winds up on somebody's deposit slip. Somebody gets that money. They feed their families with it and do things with it that they think are important. They believe the Federal program that generates that check or that dollar is probably the single most important Federal program that we have going out there.

It is much like surgery. You are a surgeon. If we are cutting on one of our colleagues, then it is minor surgery. But if that same surgery is being performed on me, it is major surgery. So cutting Federal spending is much the same way. We are going to see, once this budget is prepared by the Republican Study Committee, once it is published, and we have already seen it from the President's budget, we will see an awful lot of people who represent every single one of those dollars that are going out and the constituents for those dollars, the special interest groups for those dollars are going to be in pushback mode trying to convince you and I and others that we need to cut somewhere else. Not their program, some other program needs to be cut.

This is going to be a little self-serving, and I don't want to intrude on your time tonight, but I introduced a bill last week that would require you and I, every Member of the House, every Member of the Senate, and our senior staffers to once a year read the Constitution. Now, it is going to be interesting as I begin to make the rounds and try to get our colleagues to agree with that to see what kind of pushback I get.

As a physician, you had continuing education hours that you had to do every year to stay current in your profession and your field. I had, as a CPA, about 40 hours a year to keep current. It seems to me, and you and I have taken an oath to defend and protect that Constitution, you and I who write laws that implement some of the powers that are granted to the Federal Government under that Constitution, you and I who propose amendments to that Constitution, that this is kind of a novel approach, that we ought to know what is in it.

So reading the Constitution once a year may help us begin to think about just big areas that this Federal Government should not be associated with. Not denigrate the area itself. That is not the issue here. Our Founding Fathers were incredibly brilliant. As modern-day Americans we have a pretty jaded view of other peoples and certainly other times, and we think we are the brightest and the smartest generation to have ever lived. But as you read our founding documents and read the Constitution, and as you think about what people did 230, 240 years ago, there were some pretty bright folks that put this thing in place.

And I think every single one of them, including Alexander Hamilton, who

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 pretty limited Federal Government, 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 everyone agrees is 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 5 is Conally, and reason number six is Alexandria. 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 that 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 inherited 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 is 20 years, 30 years, 40 years down the road. 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 that CBO study. Don't take 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 than the one you and I currently 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, Congressman 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 I carry with me every 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 experience he had with a town hall meeting. Somebody asked him about a proposed cut of the President, and I will not name the particular policy area because I don't want to get off into that kind of thing, because it just distracts us. But anyway, they asked, why are you in favor of cutting whatever?

His great answer back, and I am going to steal it from him, was to look at them and say, okay, how many in here think that is the Federal Government's responsibility; that particular area of public policy? And not one person raised their hand. And this is an area that is very important to our country, very vital to our country, but it is just not the Federal Government's role.

And he did it again. Somebody else brought up another area. And he thought, well, it worked once so let me try it again. How many people here think that is a role that the Federal Government should be doing? Not one hand raised.

So I think Americans are like that. They understand that if we begin to pose things in that frame, questions just like that, that we will begin to get the political will and the political backbone and support for getting back to basics and getting back to the constitutional Republic that we have.

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 is one of the most distressing things about 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 Moynihan's wonderful quote that "Everyone's 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 over again that no money has gone to port security, the money has been slashed to port security, and 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.

□ 2145

This chart says since September 11, 2001, Congress has authorized a 700 percent increase. That is not 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 port security since September 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 2001, 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 partisanship, 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 interchange. It is not the 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 after night is we are beginning to have some dialogue, 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 \$40 million in cuts to the most vulnerable people in our society: Medicaid, 8 out of 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 charge 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 year. Average 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, \$181.7 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 politics of division. 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, regrettably, 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. This is the annual growth 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 over the past 5 years. That 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? We had some significant changes to student loans last year, but they were loans that put more money into the hands of the students and less money into the hands of the borrowers. Still, if we look at the actual money, this is the truth, the Official Truth Squad, 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, Madam Speaker, when people hear that 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 solutions. I 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.

Madam Speaker, we live in a wondrous and a glorious Nation. It is still a Nation where men and women around the world, they look to us with opti-

mism, 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 to 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 this evening and talked about 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 policy 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 many of the subjects that my 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 conferees on the Senate 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 into the RECORD an article from The Washington Post. It is dated January 24, 2006.

□ 2200

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.

Again, I am quoting 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 Medicare 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 it would save \$22 billion.

"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 then we had dialogue and a 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 eliminate a savings to the 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 that we hear here with action, 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 is over here, 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. They are not giving it to the beneficiaries, they are not giving it to the American taxpayer. They are giving it to the health care industry.

Mr. RYAN of Ohio. Right. If you break it down, Mr. MEEK, basically what is happening is we are 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 in the 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, as a matter of 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, hey, I am going to 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, trust 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 be very alarmed about, 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 this evening. 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?

□ 2210

Is it unprecedented? If we raise the debt limit this year, is it something that was an anomaly, was it something that had not occurred before?

Mr. RYAN of Ohio. Well, it is an excellent question. I think what Mr. MEEK was saying was that we are going into the government retirement program in order to not have to increase the debt limit.

What we have here is that the Republican Congress has raised the debt limit numerous times since President Bush has been in. June of 2002, \$450 billion, which means Congress raises the debt limit so we can go out and borrow more money. May of 2003, \$984 billion, Mr. DELAHUNT. That means almost \$1 trillion.

Again, November of 2004, this administration, this Republican Congress, went out and borrowed another \$800 billion. And now the new increase that the Secretary of the Treasury is asking for is another \$781 billion.

So, Mr. Speaker, over the last few years, the Republican Congress, the Republican President, has borrowed \$3 trillion, new money, from the Japanese, the Chinese and OPEC countries.

Ms. WASSERMAN SCHULTZ. I just want to share with you, because that is billion with a B.

Mr. RYAN of Ohio. And trillion with a T.

Ms. WASSERMAN SCHULTZ. And trillion with a T.

When I am home and you all are home, we talk to our constituents, and they ask me, sometimes they ask me questions that makes it clear that it is hard for anyone to get their mind around what a billion is. So we spent some time, we did some research to try to help put what a billion is in terms that people can understand better.

So let us just translate it into some things that maybe people can think about, you know, more in the way they deal with things on a day-to-day basis. A billion. How much is a billion dollars? Well, a billion hours ago, humans were making their first tools in the stone age. That was if we were talking about what happened a billion hours ago.

If you are going on to a billion seconds ago, let us start with seconds, a billion seconds ago, it was 1975, and we had just pulled the last troops from America out of Vietnam. That was a billion seconds ago.

Let us try to break it down a little bit more. A billion minutes ago, it was

A.D. 104, and the Chinese first invented paper.

Well, so now let us talk about what a billion dollars ago was. Under this administration, a billion dollars ago was only 3 hours and 32 minutes at the rate that our government spends money.

A.D. 104, 1975, the stone age, and 3 hours and 32 minutes ago.

Mr. MEEK of Florida. I am glad that you are breaking this down so that Members understand exactly what we are talking about. I just want to say that all of these letters that we have received from Secretary Snow raising the debt limit, Madam Speaker, Republicans have given the administration and themselves these increases in the debt limit.

Mr. RYAN, can I just walk down there and just rubber-stamp that chart there? This rubber stamp says "Official rubber stamp. I approve everything that George W. Bush does, Member of Congress."

You can talk, sir, but I just want to have permission to come down there and rubber-stamp that, because all of these letters that have been written by Secretary Snow, I guarantee you that the Republican majority will grant him the raising of the debt ceiling so we can owe foreign countries more money.

Mr. RYAN of Ohio. Why would they not? 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 way that was competent? 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 confronting 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.

□ 2220

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 so they can 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.

Mr. RYAN of Ohio. 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. Again, 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 to where in 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 wasted 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, this chart? 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, in Mississippi, the 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 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 the Secretary 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 someplace, somewhere, at the tune 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 that you described 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 Repub-

lican 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. MEEK, that we have been pushing over and over and over again repeatedly. Yet, it falls on deaf ears.

Mr. MEEK 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 in a 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.

□ 2230

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; Louisiana, you were wrong; New Orleans, you were wrong; other gulf coast cities, you were wrong; and 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 out of control, out of 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 posture, Madam Speaker, to where 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. When you are in a situation, when 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 this Congress were only able to borrow \$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 209-209 to reject the motion by Representative MIKE THOMPSON of California, who is a Democrat, to instruct conferees 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 208-215, 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 by Representative Stenholm, 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 put forth, pay-as-you-go amendments. Again, Republicans voted against it. Again, Mr. SPRATT did it, and H. Res. 393 in 2005, budget resolution, failed. No Republicans voted for it, bottom line. I am trying to read the chart from here.

Let me just say this, Madam Speaker. I think it is important that we document this and we share this with the majority and with all of the Members that we have done everything in our 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 anyone knows what it means when a creditor calls your house talking about you need to pay me, you know exactly what I am talking about. The creditor calls your house, they call you by your first name. They disrespect you from the beginning, and no other time in the history of the country, this is not Democratic stuff, this is U.S. Department of Treasury information that we have here, they are disrespecting the United States of America. Democrats have nothing to do with that. We have tried to turn the tide on the dependency that this Republican Congress has in raising the debt limit.

Now, the Secretary of Treasury has asked us to raise the debt limit again by \$821 billion. That is going again to allow Iran, Japan, Red China and other countries, OPEC countries, Iran, Iraq, Madam Speaker, Korea, that should mean something to some of our veterans that allowed us to salute one flag. This is a problem. This is a major problem. That is a problem that not only Democrats, Republicans and Independents should be concerned about, but the Americans that are not voting

now need to rise up and say enough is enough.

Ms. WASSERMAN SCHULTZ. What we advocate is going back to the PAYGO rule, and again, to translate that into terms that most people understand and deal with every day, you do not spend more than you have. You make sure you have the revenue coming in for the money that you are going to put out.

Listen, there are people in everyday life in America that struggle with 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 credit. 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 are not getting a handle on this. 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 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 we 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 say go back to that conference committee and tell them to reconsider their closed deal that cost the American taxpayers \$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. MEEK of Florida. Madam Speaker, if the gentleman would yield, I think it is important for us to realize the history of this in the wrong way, in the wrong way. This is not something that we have dreamed up. This is not something that just happened yesterday.

□ 2240

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 its 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. That 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.

Mr. RYAN of Ohio. This is the same party that in 1994 said that they were going to pass a balanced budget amendment to make sure that they balanced the budget every year. It would be a constitutional amendment. And here we are, 12 years later, and they are borrowing money like drunken sailors from the Japanese, the Chinese, and from all kinds of 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. That is the money we have borrowed 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 Terry Schiavo case last year anymore because so much else has happened that is disturbing in terms of their leadership that that seems like a

distant memory, but that was not even a year ago. We are coming up on the year anniversary of that.

The beginning of my first year in Congress you have the bookends of Terry Schiavo's tragic case, where this Congress, this Republican leadership inserted itself into one family's private angst-ridden tragedy. Then you have Katrina, you have the debt limit increase, you have the largest deficit in history, you have the refusal to go back to the PAYGO rules, and you have the port deal. This is the party of less government and more personal freedom? No, it is not. The evidence does not lie.

The funny thing, and I have heard Mr. MEEK say this at home in Florida a lot. Just because you say it over and over again does not make it so. Things do not come true just because you say them a lot. The facts do not lie.

Mr. DELAHUNT. You know, the three of us were watching you, Ms. WASSERMAN SCHULTZ, lead the first hour, and it was very informative and we want to congratulate you on a great presentation.

Ms. WASSERMAN SCHULTZ. Thank you.

Mr. DELAHUNT. Many of our female colleagues on the Democratic side participated, and you talked about the role of government, particularly as it impacts women. You know, the truth is, and we have seen it just recently in South Dakota, that if the Republican majority has their way, they will see to it that the woman's right to choose will be ended in this country. They will do everything that they can to effectively repeal Roe v. Wade.

Mr. RYAN of Ohio. It is not only the woman's right to choose. We have a variety of things. It is about throwing people in prison. Throwing people in prison, Mr. DELAHUNT.

Mr. DELAHUNT. If you are familiar with that South Dakota law.

Ms. WASSERMAN SCHULTZ. Even in the case of rape or incest.

Mr. DELAHUNT. Exactly. In case of rape or incest. This is a dramatic change in terms of the role of government as reflected in the Supreme Court decision of Roe v. Wade and all of the advances that have been made in terms of civil rights and other issues.

But I know we all want to get back to discuss the issues that impact every American.

Ms. WASSERMAN SCHULTZ. But your point is, and the point we have to make here is, there is a radicalism in this Republican leadership; that they have reached new heights. Schiavo, South Dakota, the Alito confirmation. There is just a growing list.

And now this port deal, where the President literally saw nothing wrong with allowing a foreign government-owned corporation to take over the port terminal operations at six major ports. No alarm bells were set off to trigger a national security review, a 45-day national security review that can be triggered under the law. It defies logic.

Mr. RYAN of Ohio. He didn'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.

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 along, kicking and fighting, 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 conferees, Democratic Congressmen Obey and Sabo and Senator BYRD offered an amendment to increase funding for port container security by \$300 million. House conferees defeated the amendment on party-line votes.

2004, October 7. During also a House and Senate conference committee, the same Democratic Members offered an amendment to increase and enhance funding by \$150 million. Republicans defeated it on a party-line vote.

On June 18, 2004, Democrats supported the same 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.

□ 2250

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/30something](http://www.HouseDemocrats.gov/30something).

Also, Madam Speaker, my old high school, the John F. Kennedy Eagles, bowed 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 here 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. FOX). The Chair has shown lenience toward the rather informal pattern by which Members have been yielding and reclaiming the time controlled by the gentleman from Massachusetts. But Members should bear in mind that the Official Reporters of Debate cannot be expected to transcribe two Members simultaneously.

Members should not participate in debate by interjection and should not expect to have the reporter transcribe remarks that are uttered when not properly under recognition.

#### PARLIAMENTARY INQUIRY

Mr. MEEK of Florida. Parliamentary inquiry, Madam Speaker, did you use the word "rhetoric" at the beginning?

The SPEAKER pro tempore. No, the Chair did not.

Mr. MEEK of Florida. Madam Speaker, thank you very much for the information.

#### PRESIDENT BUSH'S TRIP TO INDIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Madam Speaker, after President Bush made his first ever visit to India last week, I want to lend my personal support to the ever-improving relationship between the world's two largest democracies. His 3-day visit was another great step towards our two Nations' strategic partnership. The United States and India have made extraordinary progress over the last several years, and the path that lies ahead is critical to our improving relationship.

Besides the U.S.-Indian civil nuclear cooperation deal, President Bush and Prime Minister Singh spoke about a number of important initiatives that would enhance cooperation in defense, counterterrorism, agriculture, energy and promotion of democracy. Based on their shared values of diversity, democracy, and prosperity, the growing partnership between the United States and India has created profound opportunities that are central to the future success of the international community.

I appreciated that the President put some emphasis on the Kashmir conflict. He called for a solution agreeable to all parties and emphasized the need for "tangible progress" on the issue. The deep-seated hostility between India and Pakistan, of course, long predated the U.S. war on terrorism, but the conflict in Kashmir cannot be separated from it. Bush used his trip to urge the leadership of India and Pakistan to continue down the road to peace.

Madam Speaker, last year India and Pakistan agreed to use confidence-building measures aimed at promoting trade and normal relations, and have begun to narrow their differences on the issue of Kashmir. I am encouraged by this recent effort to improve the security situation in Kashmir. I am also hopeful that cooperation between India and Pakistan can continue so we can finally sustain peace in Kashmir.

Madam Speaker, there is also a growing agricultural cooperation between America and India shown by the India Knowledge Initiative on Agriculture formulated last July. Fittingly, the President visited with farmers and agricultural scientists in the state of Andhra Pradesh, where some of the best modern cultivation methods and new farming technology are being implemented.

As a Member from the Garden State of New Jersey, 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 are committed to providing 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.

□ 2300

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. DENT). 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 and speak 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 certainly goes 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 constitutional duty 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 in, 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 my agriculture county because we 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 re-fuel 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, an overall civilizational culture here, that is the sum total of the values of all the sub-cultures that come into America.

They understood that we needed to have come on values, and 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 to chase one's dreams, 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 work ethic, this 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. That was perhaps a 40 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 ethnicity 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 thrive 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 the 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 they have made to this country, Mr. Speaker, but I do quarrel with the idea that we could present amnesty to people and expect them to respect the rule of law. If they came here by breaking the law and then we gave them a break on the law and eliminated the penalties that they were facing for breaking our laws, why should we be surprised if they don't respect the rest of the laws here in the United States of America?

So, from 1986 on, there was a contempt for the law, and the pledge though in 1986 was we will give amnesty to those perhaps 3 million people that are here in this country illegally because we really don't know how to deal with them otherwise, and then we are going to make sure that we enforce employer sanctions.

That was when I as an employer received my I-9 forms, and any employee application that I 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 ensure that I was doing due diligence to hire lawful residents 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 hiring legals.

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 less and less 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, there was amnesty at the end, there was a path to citizenship, which many of them did receive.

□ 2310

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 up your transportation, we will recruit you down here, 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 any 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 now 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 series 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 ability and know-how. 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 cost, is the cost of 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 where we have a large amount of producers that raise specialty crops. It takes a fair amount of stoop 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 coasts, 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 we received a significant number of illegal workers.

And so as that happened, America began to understand what was going on in our southern border. But business was taking care of themselves by going to the well for cheap labor, because they could 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 in his 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 businesses are certainly 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.

So 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, a continent that were sitting 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 that labor pour in and find its 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 done 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 could 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 develop technology to replace 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 come forward. 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 more machines, developed more 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, Mr. Speaker, in the ag 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 tended to raise the labor that they needed. They had large 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 1 or 2 or 3 children. 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 not 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 man or the young woman 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 manufacturing plant, or they want to go to work in the food processing plant, or 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 or even 60 hours a week, take 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?

□ 2320

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, they do not all 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 step in and ensure that 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 this Congress, Mr. Speaker, 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 at least two 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, not 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 predominantly citizens 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. But 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 real strong bias in favor 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 demand 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 legal 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 is about 6.3 million of the 11 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 if 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 half of that. So maybe we do 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.

People say, well, you cannot replace 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 looking for work, who have exhausted their unemployment benefits but they will answer the polling questions and say, I want a job. I am still looking for work.

So 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 many of them could be 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 we really need the labor.

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 that 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 are wealthy. 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 rationale to higher illegals because they will go to work cheaper for one thing, Mr. Speaker. They do not file unemployment claims. They do not file workers' comp claims. You do not really have to have a lot of health insurance for somebody that is here illegally. You do not have to put together their retirement plan. You do not have to worry about an illegal worker getting mad at you and filing a lawsuit that might shut your company down.

You add up all of those burdens that become part of the risk and responsibility of hiring legal people to work here in the United States and then you add to that that you can hire the illegals cheaper, but let's just say you

can't. Let's just say that you will put \$10 an hour out on the table and you will higher an illegal for \$10 an hour or you will offer \$10 an hour to a legal person. Now, the legal person might be working right alongside the illegal and they might be getting gross wages \$10 an hour each. But the legal one, even if they are a single dependent, they have to claim themselves as a dependent, and then there will be withholding for their Federal income tax, and their State income tax, and their payroll tax including Social Security, Medicare and Medicaid.

□ 2330

That comes out of their check. The illegal almost invariably, and I have stacks and stacks of check stubs in my filing cabinet that show me this, claim the maximum number of dependents. So there is no withholding for Federal or for State. They give up their payroll tax to Social Security and Medicare the .0765 side of the thing, 7.65 percent of their payroll, but 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 American citizen 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 all employers. But I wrote 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, out to the Department of Homeland Security database, and also, it goes to the ICE database, the Immigration and Customs Enforcement, those two databases. It will verify if that information that is entered into that computer identifies 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 knew or should 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 expensed item goes over into the plus side, into the profit column, and presuming that the business is profitable, perhaps a corporation would be in a 34 percent corporate income tax bracket. If that is the case, then the \$10 an hour expensed item, that becomes now a profit item. It gets the 34 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 that contingent liability that comes 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 underpriced by cheap, illegal labor.

That is the idea of New IDEA, 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, 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 used 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 instant check 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 those kind of 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 levy employer sanctions under those cases.

So the risk could be significantly greater than another \$6 an hour on top of your \$10 an hour, but what it does is it puts enforcement in place where enforcement did not exist before. It brings a new agency in that has demonstrated a willingness to enforce Federal law. It changes this dynamic. It shuts down the magnet so that this magnet that is bringing people into the United States for the jobs, it shuts down the jobs magnet, Mr. Speaker. That is what New IDEA does, and you couple that with building a fence and more employer sanctions, those are encouraged. They are required to use the basic pilot instant check program. These things all go together to shut down the jobs magnet.

Another thing that we need to do and we can do so statutorily, not requiring a constitutional amendment, is to pass a law here in the United States Congress to put an end to anchor babies, birthright citizenship. That was not envisioned either in our Constitution. It is a practice. It is kind of a bad habit that we have gotten into, and so it is not guaranteed in the Constitution that a person born in the United States can be granted or shall be granted automatic United States citizenship. It is a practice that we have taken on and it has gotten out of hand.

So we need to shut down the jobs magnet. We need to end birthright citizenship. We need to build a fence because not only is it a way to control the flow of humanity, which in the last

year we have had perhaps 4 million illegals come across our southern border. I can tell you how many we stopped. We stopped 1,159,000, thanks to an effective border patrol, and I say effective given the manpower that they have, faced with the manpower that they are faced with. That is a fairly astonishing 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 155,000 OTMs, other 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 were put in airplanes and 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.

□ 2340

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 it takes that number up to about 4 million. So 2 to 3 million, if you do your math, that came into the United States unobstructed, 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 illegals. 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 would submit that myself, this Member of Congress, and my crews have worked in an environment that from the heat index temperature on up to 126 degrees, and from a wind chill index temperature down to 60 below, and we have done that for days at a time. So that is 186 degrees, and it feels like temperature range. And certainly at 126 it doesn't feel a lot hotter than that on that roof in Dallas. But I asked myself, what would be the hottest, dirtiest, most difficult, most dangerous job there is anywhere in the world?

I conducted a little informal poll and came back with a consensus that root-

ing terrorists out of Fallujah probably is the hottest, most difficult, the dirtiest, most dangerous job anywhere in the world. And we have soldiers and marines that have been doing that, Mr. Speaker. And if it is noncombat pay, it pays them \$6.80 an hour, and with combat pay it comes to \$8.09 an hour. Plus benefits, I admit, Mr. Speaker. That is \$8.09 an hour for a soldier to put his life on the line when it is 130 degrees, with bullets flying and RPGs going through the air. That is what is going on with brave American patriots.

If they will do that kind of work for that kind of money, then I believe that the difference is this work that is here in this country, that people claim Americans will not do, has simply just been bid down or it pays too little. And I have watched entire crews, almost entire crews of, I will say, 1,300 in a packing plant that were only about 8 Hispanics 10 years ago go to 81 percent today. And it is not because all of a sudden those people that were there 10 years ago picked up and left. They have been displaced one at a time. The wages and benefits stayed low, and so the illegal labor came in and replaced the labor of the people who had built their lives and their dreams around that plant and around that job.

So there is work, and Americans will do all of this work. And I always argue that if you want to see it on the other side, if marines rooting terrorists out of Fallujah for \$8.09 an hour doesn't 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 up illegal 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 this debate 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 want to 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 even perhaps less than the 283 million. I don't think so, but 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 argue, Mr. Speaker, 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 the industries that are there and have these debates about H1 and H2B visas so we can supply the demand that is there.

But I am hearing people whine when I say we need to enforce our immigration laws, and it is 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 they 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 who can figure that out. This economy will sort this out. Supply and demand is always taking care of this. People used to migrate to go to work. They migrated out of Oklahoma to go to California. The Okies picked grapes out there.

I read a story about a 6-by-6 area in Milwaukee, 36 square blocks, where they used to have heads of households all working in the breweries. They came there in the 1930s from the South. And on that day, and this has been some years ago that I read this article, but on that day there wasn't a single working head of household because those jobs had disappeared in the breweries in Milwaukee. But nobody

thought that that labor force might want to migrate somewhere where there was a job, because the safety net that is there has become a hammock. That is why we have 7.5 million on unemployment and that is why there is another 5.2 million that are looking. And many of those are good people. But if we provide a safety net there, it is easier to set back on that, rest a little on the hammock instead of having to get out there and go to work.

So if there is such a thing as too much immigration, then how much is too much? And I would submit, Mr. Speaker, that we are working at an effective rate right now. We will see differences in numbers, but the legal numbers are about a million a year. That is a lot of people. I think we can assimilate a million a year. But at some point we need to make sure that they have an opportunity for education; that they can learn the language.

We are printing ballots in more than 22 different languages just in Los Angeles County alone. We are in the process of reauthorizing the Voting Rights Act and people are arguing that even after all these generations people need a ballot handed to them in the language they are comfortable with. And I would argue that if you are born here in the United States or are a naturalized citizen, you should have had enough access to the English language to be able to read the ballot and cast a vote.

The only way that you can argue that a person that is legal to vote in the United States, that means a United States citizen, doesn't have a command of the English language, it wouldn't be if they were a naturalized citizen because they have to demonstrate proficiency in English to be a citizen, so they would have had to have been born here in the United States, had birth-right citizenship, lived in an enclave, and didn't learn enough English to be able to know President, Vice President, Congressman, State senator, or State representative. Now, how long would it take to learn that? And if you couldn't learn that enough to vote, how could you understand the current events and the culture well enough to make an informed decision?

So I think that we are going down this wrong path with catering to people. We need to bring people together under one umbrella. A common language is the single most powerful unifying force that there has ever been throughout history. God knew that at the Tower of Babel. We have known it many, many times.

There was an emperor in about 245 B.C. in China. And I will never get the pronunciation right in Chinese, Mr. Speaker, but I call him Qin Shi Huang Di. He was the first emperor of China, and that part I know I have right. But he looked around and realized there were all these different tribal regions within China. They had a common culture, they wore similar clothes, ate similar food, a lot of similar habits,

but they couldn't communicate with each other because they didn't speak the same language.

□ 2350

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 fourth 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 premised their business on illegal labor, it does not tug at 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 everyone here an opportunity to pull themselves 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 fallacy.

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 lose this debate on the rational side of this 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 guarantee 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, and that other 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 House, following the 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. KAPTUR, 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 312 East North Avenue in Flora, Illinois, as the "Robert T. Ferguson Post Office Building".

H.R. 2113. An act to designate the facility of the United States Postal Service located at 2000 McDonough Street in Joliet, Illinois, as the "John F. Whiteside Joliet Post Office Building".

H.R. 2346. An act to designate the facility of the United States Postal Service located at 105 NW Railroad Avenue in Hammond, Louisiana, as the "John J. Hainkel, Jr. Post Office Building".

H.R. 2413. An act to designate the facility of the United States Postal Service located at 1202 1st Street in Humble, Texas, as the "Lillian McKay Post Office Building".

H.R. 2630. An act to redesignate the facility of the United States Postal Service located at 1927 Sangamon Avenue in Springfield, Illinois, as the "J.M. Dietrich Northeast Annex".

H.R. 2894. An act to designate the facility of the United States Postal Service located at 102 South Walters Avenue in Hodgenville, Kentucky, as the "Abraham Lincoln Birthplace Post Office Building".

H.R. 3199. An act to extend and modify authorities needed to combat terrorism, and for other purposes.

H.R. 3256. 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 "Ava 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 Ahlmeyer, Jr. Post Office Building".

H.R. 3703. An act to designate the facility of the United States Postal Service located at 8501 Philatelic Drive in Spring Hill, Florida, as the "Staff Sergeant Michael Schafer Post Office Building".

H.R. 3770. An act to designate the facility of the United States Postal Service located at 205 West Washington Street in Knox, Indiana, as the "Grant W. Green Post Office Building".

H.R. 3825. An act to designate the facility of the United States Postal Service located at 770 Trumbull Drive in Pittsburgh, Pennsylvania, as the "Clayton J. Smith Memorial Post Office Building".

H.R. 3830. 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. 3989. An act to designate the facility of the United States Postal Service located at 37598 Goodhue Avenue in Dennison, Minnesota, as the "Albert H. Quie Post Office".

H.R. 4053. An act to designate the facility of the United States Postal Service located at 545 North Rimsdale Avenue in Covina, California, as the "Lillian Kinkella Keil Post Office".

H.R. 4107. An act to designate the facility of the United States Postal Service located at 1826 Pennsylvania Avenue in Baltimore, Maryland, as the "Maryland State Delegate Lena K. Lee Post Office Building".

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. 4295. An act to designate the facility of the United States Postal Service located at 12760 South Park Avenue in Riverton, Utah, as the "Mont and Mark Stephensen Veterans Memorial Post Office Building".

H.R. 4515. An act to designate the facility of the United States Postal Service located at 4422 West Sciota Street in Scio, New York, as the "Corporal Jason L. Dunham Post Office".

#### SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

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

S. 2089. An act to designate the facility of the United States Postal Service located at 1271 North King Street in Honolulu, Oahu, Hawaii, as the "Hiram L. Fong Post Office Building".

S. 2271. An act to clarify that individuals who receive FISA orders can challenge non-disclosure requirements, that individuals who receive national security letters are not required to disclose the name of their attorney, that libraries are not wire or electronic communication service providers unless they provide specific services, and for other purposes.

## ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 55 minutes p.m.), the House adjourned until tomorrow, Thursday, March 9, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS,  
ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6516. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Mediterranean Fruit Fly; Add Portions of Los Angeles, San Bernardino, and Santa Clara Counties, CA, to the List of Quarantined Areas [Docket No. APHS-2005-0116] received February 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6517. A letter from the Chief, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule—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.

6518. A letter from the Chairman and CEO, Farm Credit Administration, transmitting the Administration's final rule—Organization; Standards of Conduct and Referral of Known or Suspected Criminal Violations; Loan Policies and Operations, Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; General Provisions; Definitions; Disclosure to Shareholders; Disclosure to Investors in System-wide and Consolidated Bank Debt Obligations of the Farm Credit System (RIN: 3052-AC19) received February 17, 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 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.

6524. A letter from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting the Department's report on the Critical Skills Retention Bonus (CSRB) program, pursuant to 37 U.S.C. 323 (h) Public Law 106-398, section 633 (a); 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 Section 9010 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 Response Programs 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: 1557-AC90) received February 22, 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; Expected Retirement Age—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 Chief Financial Officer, Department of Energy, transmitting the Department's report on Carryover Balances for Fiscal Year Ended 2005; to the Committee on Energy and Commerce.

6531. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Department's Alternative Fuel Vehicle (AFV) Program Report, pursuant to 42 U.S.C. 13211-13219 Public Law 105-388; to the Committee on Energy and Commerce.

6532. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Transactions Subject to FPA Section 203 [Docket No. RM05-34-000; 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.

6534. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Rules Concerning Certification of the Electric Reliability Organization; and Procedures for the Establishment, Approval, and Enforcement of Electric Reliability Standards [Docket No. RM05-30-000] received February 17, 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 of Energy Market Manipulation [Docket No. RM06-3-000; Order No. 670] received February 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6536. A letter from the Executive Director, Federal Energy Regulatory Commission,

transmitting the Commission's final rule—Update of the Federal Energy Regulatory Commission's Fees Schedule for Annual Charges for the Use of Government Lands [Docket No. RM06-9-000] received February 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6537. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—AP1000 Design Certification (RIN: 3150-AH56) received February 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6538. A letter from the Chairman, Nuclear Waste Technical Review Board, transmitting the second report of 2005, as required by the Nuclear Waste Policy Amendments Act of 1987, Public Law 100-203, pursuant to 42 U.S.C. 10268; to the Committee on Energy and Commerce.

6539. A letter from the Secretary, Department of the Treasury, transmitting as required by Executive Order 13313 of July 31, 2003, a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 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 Affairs, Department of State, transmitting the March 2006 International Narcotics Control Strategy Report, pursuant to 22 U.S.C. 2291(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.

6542. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-305, "Department of Mental Health Collective Bargaining Agreements Temporary Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6543. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-306, "DC USA Parking Garage Bond Security Documents Approval Temporary Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6544. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-304, "Finance and Revenue Technical Amendments Temporary Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6545. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-303, "Non-Health Related Occupations and Professions Licensure Temporary Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6546. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-287, "National Opera Street Designation Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6547. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-288, "Dishonored Check Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6548. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-289, "Other Tobacco

Products Tax Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6549. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-290, "Uniform Environmental Covenants Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6550. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-291, "Illegal Dumping Enforcement Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6551. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-292, "Residential Energy Conservation Tax Credit Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6552. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-294, "Fiscal Year 2007 Budget Tax Relief Priorities Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6553. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-302, "Income Withholding Transfer and Revision Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6554. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-295, "Drug Offense Driving Privileges Revocation and Disqualification Temporary Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6555. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-296, "Identity Theft Technical Temporary Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6556. A letter from the Mayor, District of Columbia, transmitting a copy of the report entitled: "The Comprehensive Annual Financial Report Fiscal Year 2005," pursuant to D.C. Code section 47-119(c); 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 Performance 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 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's Report to 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 20, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6561. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's 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 Humanities, 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 calendar year 2005, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

6564. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Federal Employees Health Benefits Acquisition Regulation: Technical Amendments (RIN: 3206-AJ20) received February 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); 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 Wage System Wage Area (RIN: 3206-AK96) 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 for Peace Corp Volunteers (RIN: 3203-AK90) received January 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6567. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule—Definition of Federal Election Activity [Notice 2006-2] received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

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 Assistant Attorney General, Department of Justice, transmitting the Department's 2005 Annual Report to Congress on the Transitional 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—Premerger 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—Premerger 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 Thresholds for Section 8 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 Secretary, Federal Trade Commission, transmitting the Commission's final rule—Revised Jurisdictional

Thresholds 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.

6574. A letter from the President and CEO, National Safety Council, transmitting a copy of the Council's 2005 annual report; to the Committee on the Judiciary.

6575. A letter from the Secretary, Department of Transportation, transmitting the Department's final report titled, "Aviation and the Environment: A National Vision Statement, Framework for Goals and Recommended Action" as required by Section 321 of Vision 100-Century of Aviation Reauthorization Act, Pub. L. 108-176; to the Committee on Transportation and Infrastructure.

6576. 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.

6577. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule—Small Business Technology Transfer Program Policy Directive (RIN: 3245-AE96) 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 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-AF41) received January 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

6579. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule—Cosponsorships, Fee and Non-Fee Based SBA-Sponsored Activities, and Gifts (RIN: 3245-AF37) received January 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

6580. A letter from the U.S. Trade Representative, Executive Office of the President, transmitting the 2006 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.

6581. A letter from the Director, Regulations & Rulings Division, Alcohol & Tobacco Tax & Trade Bureau, transmitting the Bureau's final rule—Quarterly Excise Tax Filing for Small Alcohol Excise Taxpayers (2005R-441P) [T.D. TTB-41] (RIN: 1513-AB17) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6582. A letter from the Chairperson, National Council on Disability, 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.

6583. A letter from the Chairman, 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 Office of 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 Ms. WOOLSEY (for herself, Ms. LEE, Mr. GRIJALVA, Mr. KUCINICH, Mr. DAVIS of Illinois, 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. 4898. 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 Armed Services, and in addition to the Committees on Energy and Commerce, Education and the Workforce, Homeland Security, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER (for himself, Mr. OBERSTAR, Mr. BRADY of Pennsylvania, Mr. PAYNE, Mr. WEINER, Mr. HASTINGS of Florida, Mr. SANDERS, Mr. ENGEL, Mrs. MALONEY, Mr. BISHOP of New York, Ms. SCHWARTZ of Pennsylvania, Mr. DEFAZIO, and Mr. HONDA):

H.R. 4899. A bill to prohibit the entry of ocean shipping containers into the United States unless such containers have been scanned and sealed before loading on the vessel for shipment to the United States, either directly or via a foreign port; to the Committee on Homeland Security.

By Mr. ALLEN (for himself and Mr. BASS):

H.R. 4900. A bill to amend the Federal Election Campaign Act of 1971 to exclude certain communications made over the Internet from certain requirements of such Act, and for other purposes; to the Committee on House Administration.

By Mr. BECERRA (for himself, Mr. DANIEL E. LUNGREN of California, and Mr. HONDA):

H.R. 4901. 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, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by 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. CRAMER):

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. TANCREDO, Mrs. MUSGRAVE, Mr. BEAUPREZ, and Ms. DEGETTE):

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 Resources.

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 or substances designed or intended to defraud a drug test; to the Committee on Energy and Commerce.

By Ms. WATERS (for herself, Mr. LANTOS, Mr. BURTON of Indiana, Mr. ENGEL, Mr. SMITH of New Jersey, Mr. PAYNE, Ms. ROS-LEHTINEN, Mr. DELAHUNT, Mr. FOLEY, and Ms. LEE):

H. Con. Res. 353. 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. POMBO (for himself, Mr. BUYER, Mr. SWEENEY, Mr. CARTER, Mr. BURTON of Indiana, Mr. CALVERT, Mrs. JO ANN DAVIS of Virginia, Mr. FORTUÑO, Mr. HUNTER, Mr. BACHUS, Mr. ISSA, Mr. POE, and Mr. SULLIVAN):

H. Con. Res. 354. Concurrent resolution expressing the continued support of Congress for requiring an institution of higher education to provide military recruiters with access to the institution's campus and students at least equal in quality and scope to that which is provided to any other employer in order to be eligible for the receipt of certain Federal funds; to the Committee on Armed Services, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HARRIS:

H. Res. 714. A resolution urging the replacement of the United Nations Human Rights Commission with a new Human Rights Council; to the Committee on International Relations.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 97: Mr. YOUNG of Florida and Mr. CLEAVER.

H.R. 226: Mr. PRICE of North Carolina.

H.R. 282: Mr. DICKS.

H.R. 303: Mr. GALLEGLY and Mrs. BIGGERT.

H.R. 311: Mrs. KELLY and Mr. HOYER.

H.R. 352: Mr. PRICE of North Carolina.

H.R. 354: Mr. EMANUEL.

H.R. 421: Mr. PRICE of North Carolina.

H.R. 450: Mr. BARTLETT of Maryland, Mr. RUPPERSBERGER, and Mr. WELDON of Pennsylvania.

H.R. 500: Miss MCMORRIS, Mr. SHAW, and Mrs. SCHMIDT.

H.R. 503: Mr. BRADY of Pennsylvania.

H.R. 558: Mr. GALLEGLY.

H.R. 561: Mr. KILDEE.

H.R. 583: Mr. PRITTS and Mr. FORD.

H.R. 611: Ms. LEE.

H.R. 669: Mr. SHIMKUS.

H.R. 783: Mr. BARROW.

H.R. 788: Mr. McDERMOTT.

H.R. 896: Mr. DAVIS of Tennessee.

H.R. 930: Mr. KENNEDY of Minnesota.

H.R. 952: Mr. ROTHMAN.

H.R. 968: Mr. RUPPERSBERGER, Mr. SOUDER, Mr. BONNER, and Mr. GALLEGLY.

H.R. 995: Mrs. KELLY.

H.R. 998: Mr. McDERMOTT.

H.R. 1002: Mr. FITZPATRICK of Pennsylvania and Mr. BOYD.

H.R. 1053: Mr. FLAKE and Mr. SHAYS.

H.R. 1131: Ms. WASSERMAN SCHULTZ.

H.R. 1345: Mr. KLINE.

H.R. 1402: Ms. WATSON and Mr. LOBIONDO.

H.R. 1518: Mr. JEFFERSON.

H.R. 1549: Mr. PLATTS, Mr. MEEHAN, Mr. KUCINICH, and Ms. LORETTA SANCHEZ of California.

H.R. 1764: Mr. VAN HOLLEN.

H.R. 1998: Mr. SAM JOHNSON of Texas.

H.R. 2048: Mr. KUHL of New York.

H.R. 2178: Mr. RUPPERSBERGER and Mr. GEORGE MILLER of California.

H.R. 2230: Mr. BRADLEY of New Hampshire and Mr. RANGEL.

H.R. 2328: Mr. PAYNE.

H.R. 2533: Ms. MCCOLLUM of Minnesota.

H.R. 2567: Mr. HASTINGS of Florida and Mr. VAN HOLLEN.

H.R. 2671: Mr. PETERSON of Minnesota.

H.R. 2684: Ms. HART.

H.R. 2735: Ms. HARRIS.

H.R. 2793: Mr. CAMP of Michigan and Mr. BISHOP of New York.

H.R. 2842: Mr. CAMPBELL of California, Mr. PUTNAM, and Mr. WICKER.

H.R. 2943: Mr. SHUSTER.

H.R. 3006: Mr. AL GREEN of Texas.

H.R. 3099: Mr. DEFAZIO.

H.R. 3127: Mrs. NAPOLITANO, Mr. BEAUPREZ, and Mr. BISHOP of Georgia.

H.R. 3209: Mr. EVANS.

H.R. 3358: Mr. DICKS.

H.R. 3401: Mrs. JO ANN DAVIS of Virginia.

H.R. 3434: Mr. STARK.

H.R. 3442: Mr. MOORE of Kansas.

H.R. 3476: Mr. FOSSELLA, Mr. HASTINGS of Florida, Ms. LINDA T. SANCHEZ of California, and Mr. BOUCHER.

H.R. 3569: Mr. MEEHAN.

H.R. 3616: Mr. ANDREWS and Ms. NORTON.

H.R. 3779: Mr. HONDA, Mr. CUMMINGS, Mr. RUPPERSBERGER, and Mr. PAYNE.

- H.R. 3861: Ms. LINDA T. SÁNCHEZ of California.
- H.R. 3957: Ms. MOORE of Wisconsin.
- H.R. 3962: Mr. JEFFERSON, Mr. McNULTY, and Mr. PAYNE.
- H.R. 3966: Mr. INGLIS of South Carolina.
- H.R. 3973: Mr. ANDREWS.
- H.R. 4013: Mr. BISHOP of Utah.
- H.R. 4063: Mr. BILIRAKIS.
- 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. 4197: Mrs. CAPPS and Mr. MCDERMOTT.
- H.R. 4200: Mr. MELANCON.
- H.R. 4272: Mrs. CAPPS.
- H.R. 4304: Mr. CROWLEY.
- H.R. 4341: Mr. MURPHY, Mr. MCINTYRE, and Mr. EVERETT.
- H.R. 4366: Mr. YOUNG of Florida.
- H.R. 4372: Ms. LEE.
- H.R. 4424: Mr. LANTOS.
- H.R. 4472: Miss McMORRIS and Mr. CHANDLER.
- H.R. 4561: Mr. PAUL, Mr. POE, Mr. MCCAUL of Texas, Mr. DELAY, Mr. BONILLA, Mr. THORNBERRY, Mr. CULBERSON, Mr. HENSARLING, Mr. GOHMERT, Mr. CONAWAY, Mr. BARTON of Texas, Ms. JACKSON-LEE of Texas, Mr. BURGESS, and Mr. SMITH of Texas.
- H.R. 4663: Mr. KUHL of New York.
- H.R. 4708: Mr. MCGOVERN.
- H.R. 4729: Ms. SCHAKOWSKY.
- H.R. 4753: Mr. VAN HOLLEN.
- H.R. 4755: Mr. BASS, Mr. BLUMENAUER, and Mr. KIND.
- H.R. 4774: Mr. JONES of North Carolina.
- H.R. 4780: Mr. McNULTY and Mrs. JO ANN DAVIS of Virginia.
- H.R. 4790: Mr. MILLER of Florida.
- H.R. 4793: Ms. DEGETTE, Mr. GREEN of Wisconsin, Mr. CUMMINGS, Mr. LARSON of Connecticut, Mr. BOUCHER, Mr. HOLDEN, Mr. NEY, and Ms. MCCOLLUM of Minnesota.
- H.R. 4806: Mr. PALLONE.
- H.R. 4807: Mr. LEWIS of Kentucky and Ms. BERKLEY.
- H.R. 4808: Mr. ROHRABACHER and Mr. ABERCROMBIE.
- H.R. 4824: Mr. GILLMOR, Mr. MCCOTTER, and Mr. MICHAUD.
- H.R. 4828: Mr. VAN HOLLEN, Mr. CHANDLER, Mr. CARDOZA, Mr. KILDEE, Mr. KENNEDY of Rhode Island, Ms. BORDALLO, and Mr. MCINTYRE.
- H.R. 4830: Mr. ISSA, Mr. ROGERS of Michigan, Mr. KUHL of New York, Mr. CALVERT, and Mr. ROYCE.
- H.R. 4842: Ms. BERKLEY.
- H.R. 4843: Mr. FILNER, Mr. GUTIERREZ, Ms. CORRINE BROWN of Florida, Mr. MICHAUD, and Mr. STRICKLAND.
- H.R. 4844: Mr. MCCOTTER and Mr. PUTNAM.
- H.R. 4862: Ms. GINNY BROWN-WAITE of Florida.
- H.R. 4881: Mr. FORD, Mr. PETERSON of Minnesota, Mr. SCOTT of Georgia, Mr. ROGERS of Alabama, Mr. TAYLOR of Mississippi, Mr. MARCHANT, Mr. FRANKS of Arizona, Mr. RENZI, and Mr. SAM JOHNSON of Texas.
- H.R. 4889: Mr. GOHMERT, Mr. FRANKS of Arizona, Mr. GOODE, Ms. FOXX, Mr. KING of Iowa, Mr. PENCE, Mr. COLE of Oklahoma, Mr. PITTS, and Mr. GARRETT of New Jersey.
- H.R. 4890: Mr. SHIMKUS, Mr. GERLACH, Mr. HOSTETTLER, Mr. ISSA, Mr. BRADLEY of New Hampshire, Mr. CAMPBELL of California, Mr. BRADY of Texas, Mr. JINDAL, Mrs. MYRICK, Mr. CHABOT, Mr. NEUGEBAUER, Mr. COLE of Oklahoma, Mr. KING of Iowa, Ms. FOXX, Mr. GOODE, Mr. DOOLITTLE, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. GOHMERT, Mr. PRICE of Georgia, Mr. MARCHANT, Mr. RAMSTAD, Mr. BASS, Mr. MILLER of Florida, Mrs. SCHMIDT, Mr. NORWOOD, and Ms. GINNY BROWN-WAITE of Florida.
- H.J. Res. 3: Mr. ROTHMAN.
- H.J. Res. 28: Mr. ANDREWS and Mr. HONDA.
- H.J. Res. 53: Mr. HOBSON and Mr. CHABOT.
- H.J. Res. 57: Mr. PUTNAM.
- H. Con. Res. 42: Mr. PUTNAM.
- H. Con. Res. 90: Mr. MICHAUD.
- H. Con. Res. 296: Mr. AL GREEN of Texas.
- H. Con. Res. 301: Mrs. BLACKBURN and Mr. HERGER.
- H. Con. Res. 314: Ms. WOOLSEY.
- H. Con. Res. 318: Ms. JACKSON-LEE of Texas and Mr. ABERCROMBIE.
- H. Con. Res. 319: Mrs. BONO and Mr. GALLEGLY.
- H. Con. Res. 339: Mrs. NORTHUP, Mr. KLINE, Mr. CANNON, Mr. ENGLISH of Pennsylvania, Mr. NORWOOD, Mrs. JO ANN DAVIS of Virginia, and Mr. SULLIVAN.
- H. Res. 116: Mr. GUTKNECHT and Mr. VAN HOLLEN.
- H. Res. 322: Mr. BACA.
- H. Res. 415: Mr. MCCOTTER.
- H. Res. 658: Ms. JACKSON-LEE of Texas.
- H. Res. 672: Mr. ANDREWS and Mr. ISRAEL.
- H. Res. 673: Mr. ENGEL.
- H. Res. 690: Mr. FEENEY and Mr. HERGER.
- H. Res. 691: Mr. SANDERS, Mr. RUSH, Mr. BROWN of Ohio, Mrs. DRAKE, Mr. ENGLISH of Pennsylvania, and Mr. MEEHAN.
- H. Res. 695: Mr. WEXLER, Mr. BAIRD, Ms. WATSON, Mr. CONYERS, and Mr. VAN HOLLEN.
- H. Res. 696: Mr. RYAN of Ohio, Mr. ETHERIDGE, Mr. MCGOVERN, Mrs. CAPPS, and Ms. BORDALLO.