

A bill to authorize appropriations for the benefit of Amtrak for fiscal years 2006 through 2008, and for other purposes (Rept. 109-280). Referred to the Committee of the Whole House on the State of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RUSH:

H.R. 4248. A bill to amend the Internal Revenue Code of 1986 to impose a temporary windfall profit tax on crude oil and to use the proceeds to carry out the Low-Income Home Energy Assistance Act of 1981; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR (for himself and Mr. RAMSTAD):

H.R. 4249. A bill to provide for programs within the Department of Health and Human Services and Department of Veterans Affairs for patients with fatal chronic illness, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Veterans' Affairs, 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. MICA (for himself and Mr. MANGANZUOLO):

H.R. 4250. A bill to eliminate fees for assistance provided by the Department of Commerce and agencies thereof under export promotion programs, to authorize appropriations for such purpose, to direct the Secretary of Commerce to take certain steps to expand export promotion activities, and for other purposes; to the Committee on International Relations.

By Mr. POMBO (for himself, Mr. FORD, Mr. KIND, Mr. PETERSON of Pennsylvania, Mr. DUNCAN, Mr. CASE, and Mr. BASS):

H.R. 4251. A bill to help relieve the shortage in the supply of firewood for home heating use by making additional quantities of free firewood available to individuals from National Forest System lands; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GENE GREEN of Texas (for himself, Mr. BARTON of Texas, Mr. POE, Mr. CULBERSON, Mr. McCaul of Texas, Mr. MARCHANT, Mr. EDWARDS, Mr. DOGGETT, Mr. CUELLAR, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Mr. CONAWAY, Ms. GRANGER, Mr. REYES, Mr. GONZALEZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. AL GREEN of Texas, Mr. BRADY of Texas, Mr. HALL, and Mr. ORTIZ):

H.R. 4252. A bill to designate the headquarters building of the Department of Education in Washington, DC, as the Lyndon Baines Johnson Federal Building; to the Committee on Transportation and Infrastructure.

By Ms. GINNY BROWN-WAITE of Florida (for herself and Mr. JONES of North Carolina):

H.R. 4253. A bill to expand the authority of the Secretary of Homeland Security to

transport and remove aliens unlawfully present in the United States; to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COOPER (for himself, Mr. COSTA, Mr. EMANUEL, Mr. FORD, Mr. SCOTT of Georgia, Mr. RYAN of Ohio, Mr. DAVIS of Tennessee, and Ms. WASSERMAN SCHULTZ):

H.R. 4254. A bill to establish a commission on corporate entitlement reform; to the Committee on Government Reform, and in addition to the Committees on Ways and Means, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE (for himself, Ms. BORDALLO, Mr. FORTUNO, Mrs. CHRISTENSEN, Mr. DOOLITTLE, Mr. ABERCROMBIE, Mr. BURTON of Indiana, and Mr. FALEOMAVAEGA):

H.R. 4255. A bill to convey certain submerged lands to the Commonwealth of the Northern Mariana Islands in order to give that territory the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands; to the Committee on Resources.

By Mr. LANGEVIN:

H.R. 4256. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to assure comprehensive, affordable health insurance coverage for all Americans through an American Health Benefits Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMEROY (for himself, Mrs. CUBIN, and Ms. HERSETH):

H.R. 4257. A bill to amend the Packers and Stockyards Act, 1921, to prohibit the use of certain anti-competitive forward contracts; to the Committee on Agriculture.

By Mr. SHAYS (for himself and Mr. LANTOS):

H.R. 4258. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that evacuation procedures are included as a part of State and local emergency preparedness operational plans; to the Committee on Transportation and Infrastructure.

By Mr. THOMPSON of California (for himself, Mr. REHBERG, Mr. FILNER, Mr. PETERSON of Minnesota, Mr. MATHESON, Mr. VAN HOLLEN, Mr. McDERMOTT, Mr. HOLT, and Mr. STRICKLAND):

H.R. 4259. A bill to establish the Veterans' Right to Know Commission; to the Committee on Armed Services, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHRISTENSEN (for herself, Mr. HONDA, and Ms. BORDALLO):

H. Con. Res. 293. Concurrent resolution supporting the observance of a Campaign to End AIDS Advocacy Day, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BAIRD (for himself, Mr. UDALL of Colorado, Mr. GORDON, Mr. BOEHLERT, Mr. EHLERS, Mr. WU, and Mr. HOLT):

H. Res. 541. A resolution honoring Drs. Roy J. Glauber, John L. Hall, and Theodor W. Hensch for being awarded the Nobel Prize in Physics for 2005, and Drs. Yves Chauvin, Robert H. Grubbs, and Richard R. Schrock for being awarded the Nobel Prize in Chemistry for 2005, and for other purposes; to the Committee on Science.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. DAVIS of Illinois introduced a bill (H.R. 4260) for the relief of Muhammad Amjad Khan, Samina Khan, Madiha Khan, Zainab Khan, and Tayyab Khan; which was referred to the Committee on the Judiciary.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 282: Mr. SWEENEY.

H.R. 303: Mr. KUHL of New York and Ms. HARMAN.

H.R. 389: Mr. FILNER.

H.R. 414: Mr. ENGLISH of Pennsylvania and Mr. BUTTERFIELD.

H.R. 503: Mrs. JO ANN DAVIS of Virginia.

H.R. 521: Mr. OLVER.

H.R. 558: Ms. GRANGER.

H.R. 583: Mrs. DAVIS of California.

H.R. 586: Mr. HASTINGS of Washington, Mr. ADERHOLT, and Mrs. JO ANN DAVIS of Virginia.

H.R. 597: Mr. ISTOOK.

H.R. 670: Mr. RUPPERSBERGER.

H.R. 690: Mr. MORAN of Virginia.

H.R. 913: Mr. CALVERT.

H.R. 927: Mrs. JONES of Ohio.

H.R. 972: Mr. CANNON, Mr. GORDON, and Mr. HONDA.

H.R. 995: Mr. BRADY of Pennsylvania, Mr. FILNER, and Ms. MILLENDER-MCDONALD.

H.R. 999: Mr. LAHOOD.

H.R. 1000: Mr. DOYLE.

H.R. 1120: Mr. FRANK of Massachusetts and Mr. FATTAH.

H.R. 1144: Mr. WAXMAN, Mr. DOGGETT, Mr. McNULTY, Mr. McDERMOTT, Mr. BRADY of Pennsylvania, and Mr. EMANUEL.

H.R. 1176: Mr. KENNEDY of Minnesota.

H.R. 1227: Mr. DAVIS of Illinois.

H.R. 1298: Mr. ANDREWS.

H.R. 1348: Mr. LEWIS of Georgia.

H.R. 1357: Mrs. SCHMIDT.

H.R. 1416: Mr. CAPUANO, Mr. LANGEVIN, Ms. WASSERMAN SCHULTZ, Ms. SCHAKOWSKY, Ms. WOOLSEY, Mr. WU, Ms. HOOLEY, Mr. LARSON of Connecticut, Mr. BISHOP of New York, Mr. DELAHUNT, and Mr. TIERNEY.

H.R. 1449: Mr. ISTOOK.

H.R. 1849: Mr. BRADY of Pennsylvania, Mrs. DAVIS of California, and Mr. FOLEY.

H.R. 2012: Mr. GORDON, Mr. CALVERT, and Mr. CANNON.

H.R. 2047: Mr. STUPAK.

H.R. 2052: Mr. CUMMINGS.

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H.R. 2177: Mr. McCOTTER.

H.R. 2357: Mr. FORTUNO.

H.R. 2525: Mr. SHIMKUS.

H.R. 2533: Mr. GRAVES, Mr. FITZPATRICK of Pennsylvania, and Mr. LOBIONDO.

H.R. 2658: Mr. REHBERG.

H.R. 2669: Mr. FRELINGHUYSEN and Mr. KIRK.

H.R. 2892: Mr. MARKEY and Mr. GRIJALVA.

H.R. 2989: Mrs. BIGGERT and Mr. LOBIONDO.

H.R. 3049: Ms. SCHAKOWSKY.

H.R. 3082: Mr. MARSHALL.

H.R. 3189: Mr. WEXLER.

H.R. 3284: Mr. FATTAH.

H.R. 3502: Mr. NADLER.

H.R. 3582: Ms. ROS-LEHTINEN.

H.R. 3616: Mr. SIMMONS.

H.R. 3705: Mr. LEACH.

H.R. 3715: Mr. GERLACH.

H.R. 3776: Mr. GOODLATTE.

H.R. 3782: Mr. LEACH.

H.R. 3795: Mr. KIND and Mr. McNULTY.

H.R. 3868: Mr. CARTER and Mr. CALVERT.

H.R. 3889: Mr. ISTOOK, Mr. FILNER, Mr. SALAZAR, and Mr. SESSIONS.

H.R. 3944: Mr. HIGGINS, Mr. SALAZAR, and Mr. MCINTYRE.

H.R. 3973: Mrs. NAPOLITANO.

H.R. 3986: Mr. MENENDEZ.

H.R. 4029: Mr. CLAY, Mr. BRADY of Pennsylvania, and Ms. LEE.

H.R. 4032: Mr. MARCHANT, Mr. FOLEY, Mr. WELDON of Florida, and Mr. PRICE of Georgia.

H.R. 4050: Mr. SALAZAR.

H.R. 4079: Mr. ISTOOK.

H.R. 4089: Mr. KUHL of New York.

H.R. 4093: Ms. GINNY BROWN-WAITE of Florida and Mr. HASTINGS of Washington.

H.R. 4098: Mr. MARSHALL, Ms. ROS-LEHTINEN, Mr. COLE of Oklahoma, Mr. WYNN, Mr. WAMP, Mr. STRICKLAND, Mr. BROWN of South Carolina, and Mr. CLAY.

H.R. 4126: Mr. CASE.

H.R. 4134: Mr. BRADLEY of New Hampshire.

H.R. 4145: Mr. HOLT, Mr. BONNER, Mr. EVERETT, Mr. ADERHOLT, Mr. CRAMER, Mr. BACHUS, Mr. SCHIFF, and Mr. KNOLLENBERG.

H.R. 4168: Mr. MURPHY, Mr. ALEXANDER, and Mrs. JO ANN DAVIS of Virginia.

H.R. 4194: Mr. LANGEVIN, Ms. WATSON, Mr. INSLEE, Mr. TIERNEY, Ms. DEGETTE, and Mr. UDALL of New Mexico.

H.R. 4200: Mr. GALLEGLY, Mr. MCHUGH, Mr. LUCAS, Mr. MORAN of Kansas, and Mr. MANZULLO.

H.R. 4232: Mr. McDERMOTT.

H.R. 4238: Mr. SAM JOHNSON of Texas and Ms. HARRIS.

H.R. 4239: Mrs. EMERSON and Mr. EDWARDS. H. Con. Res. 42: Mr. MATHESON.

H. Con. Res. 52: Mr. ISTOOK.

H. Con. Res. 230: Mr. CAPUANO, Mr. STEARNS, Mr. BASS, Mr. MARKEY, Mr. SHIMKUS, Mr. KELLER, Mr. WESTMORELAND, Mr. INGLIS of South Carolina, Mr. MEEK of Florida, Mr. LEWIS of Kentucky, and Mr. GONZALEZ.

H. Con. Res. 268: Mrs. MUSGRAVE, Mr. BARTETT of South Carolina, Mr. REHBERG, Mr. UPTON, Mr. BEAUPREZ, Mr. PENCE, Mrs. JO ANN DAVIS of Virginia, and Mr. FLAKE.

H. Con. Res. 280: Mr. MCNULTY and Mr. MEEKS of New York.

H. Con. Res. 284: Mr. BLUMENAUER and Mr. MEEKS of New York.

H. Con. Res. 285: Mr. WELDON of Florida and Mr. UPTON.

H. Res. 302: Mr. COSTA and Ms. NORTON.

H. Res. 335: Mr. BAIRD, Mr. EHLERS, and Mr. SHAYS.

H. Res. 458: Mr. CUMMINGS.

H. Res. 466: Mr. FITZPATRICK of Pennsylvania.

H. Res. 479: Mr. FRANK of Massachusetts and Mr. McDERMOTT.

H. Res. 505: Mr. HOLT, Mr. UDALL of Colorado, Ms. ZOE LOFGREN of California, Mr. CLYBURN, Mr. WAXMAN, Ms. CARSON, Mr. MICHAUD, Mr. WU, Mr. MENENDEZ, Mr. SHERMAN, Ms. DEGETTE, Mr. DOYLE, Ms. BALDWIN, Mr. CLEAVER, Mr. FATTAH, Mr. MEEHAN, Mr. NEAL of Massachusetts, Mr. COSTELLO, Mr. DICKS, Ms. HOOLEY, Mr. OBERSTAR, Mr. OLVER, Mr. PASTOR, Mr. RUSH, Mr. VIS-COSKY, Ms. LINDA T. SÁNCHEZ of California, Mr. ENGEL, Mrs. McCARTHY, Mr. EVANS, Mr. WEINER, Mr. LARSON of Connecticut, Mr. RYAN of Ohio, Mr. UDALL of New Mexico, Mr. BAIRD, Ms. BERKLEY, Mr. AL GREEN of Texas, and Ms. WATERS.

H. Res. 507: Mr. MORAN of Virginia.

H. Res. 535: Mr. CONYERS, Mr. McNULTY, Ms. SCHAKOWSKY, Mr. CROWLEY, Mr. SALAZAR, and Mr. SESSIONS.

ETHERIDGE, Mrs. McCARTHY, Mr. NADLER, Mr. GRIJALVA, Mr. HIGGINS, Mr. WEINER, Mrs. MALONEY, Mr. WEXLER, Mr. DOGGETT, Mr. McDERMOTT, Ms. ZOE LOFGREN of California, Mr. EMANUEL, Mr. MENENDEZ, Mr. BERMAN, Mr. FALOMAVAEGA, Mr. McCOTTER, Mrs. CAPPES, Mr. KIRK, and Mr. LEACH.

#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2048: Mr. BARTLETT of Maryland.

H.R. 3146: Mr. PRICE of Georgia.

#### AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1751

OFFERED BY: MR. FLAKE

AMENDMENT NO. 1: Add at the end the following:

#### SEC. \_\_\_\_\_. COLLATERAL REVIEW IN CAPITAL CASES.

(a) REVIEW BY ATTORNEY GENERAL.—

(1) APPLICABILITY.—Section 2261 of title 28, United States Code, is amended by striking subsection (b) and inserting the following:

“(b) COUNSEL.—This chapter is applicable if—

“(1) the Attorney General of the United States certifies that a State has established a mechanism for providing counsel in postconviction proceedings as provided in section 2265; and

“(2) counsel was appointed pursuant to that mechanism, petitioner validly waived counsel, petitioner retained counsel, or petitioner was found not to be indigent.”.

(2) SCOPE OF PRIOR REPRESENTATION.—Section 2261(d) of title 28, United States Code is amended by striking “or on direct appeal”.

(3) CERTIFICATION AND JUDICIAL REVIEW.—

(A) IN GENERAL.—Chapter 154 of title 28, United States Code, is amended by striking section 2265 and inserting the following:

#### “§ 2265. Certification and judicial review

“(a) CERTIFICATION.—

“(1) IN GENERAL.—If requested by an appropriate State official, the Attorney General of the United States shall determine—

“(A) whether the State has established a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in State postconviction proceedings brought by indigent prisoners who have been sentenced to death;

“(B) the date on which the mechanism described in subparagraph (A) was established; and

“(C) whether the State provides standards of competency for the appointment of counsel in proceedings described in subparagraph (A).

“(2) EFFECTIVE DATE.—The date the mechanism described in paragraph (1)(A) was established shall be the effective date of the certification under this subsection.

“(3) REQUIREMENTS.—

“(A) IN GENERAL.—To qualify for certification under paragraph (1)—

“(i) any mechanism described in subsection (1)(A) that was created on or after the effective date of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132) shall be created by statute, rule of the court of last resort, or rule of an agency authorized by State law to promulgate statewide rules of court and must meet the requirements of section 2261(c); and

“(ii) for any mechanism described in subsection (1)(A) that was created prior to the effective date of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132), all or part of the qualifying mechanism and standards may have been created by published policies, practices, and standards of the court of last resort or of a statewide judicial administrative agency, and the State must have substantially complied with the requirements of this section and section 2261 in providing qualified counsel to indigent prisoners sentenced to death who did not validly waive counsel.

“(B) ONLY EXPRESS REQUIREMENTS.—There are no requirements for certification or for application of this chapter other than those expressly stated in this chapter.

“(b) REGULATIONS.—The Attorney General shall promulgate regulations to implement the certification procedure under subsection (a).

“(c) REVIEW OF CERTIFICATION.—

“(1) IN GENERAL.—The determination by the Attorney General regarding whether to certify a State under this section is subject to review exclusively as provided under chapter 158 of this title.

“(2) VENUE.—The Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction over matters under paragraph (1), subject to review by the Supreme Court under section 2350 of this title.

“(3) STANDARD OF REVIEW.—The determination by the Attorney General regarding whether to certify a State under this section shall be conclusive, unless manifestly contrary to the law and an abuse of discretion.”.

(B) CLERICAL AMENDMENT.—The table of sections for chapter 154 of title 28, United States Code, is amended by striking the item related to section 2265 and inserting the following:

“2265. Certification and judicial review.”.

(b) TIME LIMITS.—Section 2266(b)(1)(A) of title 28, United States Code, is amended by striking “180 days after the date on which the application is filed.” and inserting “450 days after the date on which the application is filed, or 60 days after the date on which the case is submitted for decision, whichever is earlier.”.

(c) TOLLING.—Section 2263(b) of title 28, United States Code, is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively; and

(2) by inserting before paragraph (2) the following:

“(1) if counsel is offered to a State prisoner under section 2261(c)(1), during the period prior to such offer;”.

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

“(b) VALIDITY OF CONVICTION.—A court, justice, or judge shall not have jurisdiction to consider a claim in an application under this chapter unless the claim concerns the validity of the conviction of the applicant for the underlying offense for which the applicant was sentenced to death. For a claim involving the offense of murder, conviction for the underlying offense means conviction for murder in any degree.

“(c) RELIEF.—For any claim brought under this section, relief shall not be granted, unless the denial of relief—

“(1) is contrary to, or would entail an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or

“(2) would entail an unreasonable determination of a factual matter.”.

(e) PRIORITY TO CAPITAL CASES.—Section 2251 of title 28, United States Code, is amended—