

now the Commission on Human Relations is taking legal action against Vento, charging him with discrimination simply for asking his customers to speak English.

No business owner should be forced to hire a whole gauntlet of foreign-speaking translators because of individuals who feel they won't learn our language. Individuals who come here need to understand that this country is not Mexico, France, Korea or the Middle East. This is America, and English is spoken here.

And that's just the way it is.

#### PREMATURE WITHDRAWAL FROM IRAQ WILL ENDANGER U.S.

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

Mr. WILSON of South Carolina. Mr. Speaker, sadly, many people try to separate the current Iraq conflict from the attacks of September 11 and the Global War on Terrorism; it is impossible to do so. The attacks of September 11 were not isolated, random events. Al Qaeda has openly stated Iraq is the central front in the war on terror. And our enemy is highly intelligent, well financed and committed to the destruction of freedoms.

The concept that America's retreat in Iraq will bring an end to sectarian violence and terrorist activity in the region ignores history. Premature retreat will embolden the enemy and make us more vulnerable to attacks. Withdrawals from Beirut and Mogadishu led to the 1993 World Trade Center attack, the 1998 embassy bombings across Africa, the 2000 bombing of the USS *Cole*, and then September 11. Osama bin Laden has characterized the struggle in Iraq as the third world war. We ignore this claim at our peril, which threatens American families.

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

#### SUPPORTING THE IRAQ MISSION

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

Mr. BARRETT of South Carolina. Mr. Speaker, this week we will debate a non-binding resolution that will do nothing more than undermine the mission in Iraq, weaken the morale of our troops, and embolden our enemy.

No doubt mistakes have been made in the battle with Iraq. With every war mistakes are made. The question before us is, Are we going to learn from the mistakes and correct them and move forward with a plan of success, or are we going to retreat in defeat?

Mr. Speaker, the terrorists themselves believe Iraq is a central front in the war on terror. Al Zawahiri, al Qaeda's deputy leader, has repeatedly said Iraq and Afghanistan are the "two most crucial fields" in the Islamists' war. A policy of retreat and defeat

would result in pervasive instability and embolden radical Islamist terrorists and rogue regimes to expand new areas in the region.

Mr. Speaker, the stakes are real and they are high. And the American people deserve leadership, not partisan politics. I will continue to support our troops by continuing to support their mission.

#### WE MUST WIN THE BATTLE OF IDEAS

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

Mrs. BLACKBURN. Mr. Speaker, as a member of the Victory in Iraq Caucus, I continue to stand and support our troops. I feel it is imperative that we continue to strongly speak out in favor of the efforts that our troops are carrying out against terrorism, not only in Iraq, but in 30 different countries around the globe.

The terrorists tell us, just as my colleague said, that Iraq is the central battle in the war on terror. War is not quick, and it is not painless. It is up to us here in the people's House to continue to support the troops and to be behind their efforts, funding them 100 percent of the way.

In order to win, Mr. Speaker, we must not only succeed on the battlefield; we must win in the battle of ideas. We must win the civic and economic battles with the Iraqi people. They are as critical as any firefighter that they face every day.

The idea of freedom and prosperity is a powerful idea. Our coalition is breathing life into that idea with the Iraqi people. We need to stand firm, fund our troops, support our men and women in harm's way.

#### PROCESS IN THE HOUSE OF REPRESENTATIVES

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

Mr. ISSA. Mr. Speaker, it is not good to talk process in the House of Representatives. I keep hearing that. But when the process that you are talking about is the execution of our right in a democratic society to speak and make a difference, then it is necessary to speak on process.

Mr. Speaker, this week we will spend 4 days on the Iraq resolution. I say "the" Iraq resolution because it has already been crafted by Speaker PELOSI; it already is a final product. The only thing left to do is in fact to vote on it because we will not be allowed to amend it; the rule will be a closed rule. Democracy and speech and debate will not in fact change anything. The final vote will be exactly at the end of the week where it was at the beginning. That is wrong. Republicans never did that when we held the Speaker's gavel.

Democrats should not do that as they hold the Speaker's gavel.

The right to amend and the right to debate that leads to a better bill is a right of this democracy, and this body has been reduced by the taking of that right.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken after 6:30 p.m. today.

#### RECOGNIZING AND HONORING THE EMPLOYEES OF THE DEPARTMENT OF HOMELAND SECURITY

Mr. CARNEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 134) recognizing and honoring the employees of the Department of Homeland Security for their efforts and contributions to protect and secure the Nation.

The Clerk read as follows:

##### H. RES. 134

Whereas the United States must remain vigilant against all threats to the homeland, including acts of terrorism, natural disasters, and other emergencies;

Whereas the Department of Homeland Security marked its 4th anniversary on January 24, 2007;

Whereas the more than 208,000 employees of the Department work tirelessly to prepare the Nation to counter acts of terrorism, natural disasters, and other emergencies;

Whereas the Department's employees work diligently to deter, detect, and prevent acts of terrorism;

Whereas the Department's employees stand willing, ready, and able to respond if catastrophe strikes;

Whereas the Department's employees support the Department's mission to protect continuously the Nation's borders, airports, seaports, rail lines, and other transit systems;

Whereas the Department's employees, together with employees of other agencies and departments of the Federal Government, work with State, local, and tribal partners to enhance disaster preparedness at all levels of government;

Whereas the Department's employees are called upon to sacrifice time with their families to work long hours to fulfill the Department's vital mission; and

Whereas the Nation is indebted to the Department's employees for their efforts and contributions: Now, therefore, be it

*Resolved*, That the House of Representatives recognizes and honors the employees of the Department of Homeland Security for their exceptional efforts and contributions to protect and secure the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. CARNEY) and the gentleman from Florida (Mr. BILIRAKIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

## GENERAL LEAVE

Mr. CARNEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and insert extraneous material on the bill into the RECORD.

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

There was no objection.

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

Just over 5 years ago, September 11 redefined our national security needs. With the loss of thousands of innocent lives at the World Trade Center, the Pentagon and in my home State of Pennsylvania, national leaders realized that the Federal Government needed the ability to better protect the United States from any and all threats, foreign or domestic, natural or man-made. And while emergency management agencies displayed resilience in the aftermath of 9/11, it was clear we needed an organization that could coordinate their efforts. We needed a single agency with the ability to prevent another 9/11 and to respond, if need be, to natural or man-made disasters.

To answer this call, Congress passed the Homeland Security Act of 2002 creating the Department of Homeland Security. In the largest reorganization of the Federal Government since the formation of the Department of Defense six decades ago, the Department of Homeland Security was tasked with the Herculean responsibility of coordinating with State, local and tribal entities to prevent future terrorist attacks, to secure our borders and to prepare for and respond to events of national significance.

Comprised of 22 different Federal agencies and employing over 208,000 of our finest Federal employees, DHS has become one of the largest Federal departments. Twenty-four hours a day, 7 days a week, 365 days a year, employees from the Department of Homeland Security are working to prevent and prepare for any threats to our country. They are patrolling our skies, securing our borders, sailing our coastal waters and screening people and cargo entering our country. They are also working with State and local governments and first responders in all 50 States and our territories to ensure we can respond to any future large-scale events, either man-made or natural.

□ 1415

These dedicated Homeland Security employees are working tirelessly to improve the safety of all Americans and are doing a job that we must commend.

Recently, the Office of Personnel Management released the results of the 2006 Federal Human Capital Survey, a review of how Federal employees feel about their work. Many Americans may not have heard about this survey or its findings, but they are significant.

DHS employees expressed frustration over a number of issues, most notably the management of the agency. These rank-and-file workers, on the front lines day after day, feel they are not being managed in the most effective manner possible. This disconnect between management and the line officers of the department is very disturbing to a number of us here in Congress. We must work to resolve these issues.

The last thing we need is for the morale problems of the Department of Homeland Security to hamper the duties of those front-line employees. As a former first responder myself, I know how important it is to have trust and faith in your management. While there was certainly shocking failures at the management levels of the Federal Emergency Management Agency in the Hurricane Katrina response, there is a good example; that is, the United States Coast Guard which is part of the DHS. It covered itself in glory by performing one of its most vital and successful missions since its creation. Over 20,000 gulf coast residents were rescued by the devoted men and women of the Coast Guard.

Tens of thousands of other line officers under the purview of the DHS have been doing a thankless job for the last 4 years as well. Our Nation must remain vigilant against all threats to the homeland, against acts of terrorism and natural disasters.

Department of Homeland Security employees stand willing, ready and able to respond should catastrophe strike. They work long hours to deter, detect, and prevent acts of terrorism against the homeland. They can be sure that during this Congress and beyond, my colleagues and I will maintain oversight of the management of Homeland Security, but I cannot stress enough how we truly appreciate the work of the DHS employees who are working tirelessly to protect the safety of all Americans.

On January 24, the Department of Homeland Security marked its fourth anniversary. In light of this anniversary, it is fitting and appropriate for the House of Representatives to take a moment to honor the employees.

I would also like to take a moment to note that Mr. ROGERS of Alabama, the ranking member on the Subcommittee on Management, Investigations, and Oversight, wanted to be here as well. He is currently out of town on a codel, but he stands with me in honoring the employees of the Department of Homeland Security.

Mr. Speaker, I encourage my colleagues to unanimously adopt House Resolution 134 in honoring the employees of the Department of Homeland Security.

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

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

I rise today in support of House Resolution 134, which honors and recognizes

the contributions the employees of the Department of Homeland Security make to our country's safety and security.

I am pleased to be an original cosponsor of this resolution with my Homeland Security colleague, CHRISTOPHER CARNEY, who chairs the Management, Investigations and Oversight Subcommittee. I also want to acknowledge other original cosponsors, including my subcommittee ranking member, MIKE ROGERS, full committee chairman BENNIE THOMPSON, and full committee ranking member PETER KING, a man who has worked on Homeland Security issues, and I greatly admire his work.

Mr. Speaker, I am pleased to help bring this resolution to the floor today because I think that DHS employees are too often overlooked and underappreciated, and unfairly criticized in most cases despite their most dedicated and earnest efforts to do their job, which they do very well.

Mr. Speaker, I believe that they have been tasked with an almost impossible job, I think you will agree, and am confident that DHS employees are doing the very best they can under some extraordinary, difficult circumstances.

I was, however, particularly disappointed to learn, as the recent survey shows, that the morale of the department is low, and that DHS employees have less job satisfaction than any other group of Federal employees. That is not good to see. I have heard that the department's employees are concerned that they do not have the resources to do their jobs effectively, that they are not promoted based on merit, that creativity and innovation are not properly rewarded, and, perhaps most troubling, most of them do not believe that they have access to adequate information about what is happening in their department.

This needs to change, as far as I am concerned. I am heartened that department secretary, Michael Jackson, has told DHS employees, "Starting at the top, the leadership team across DHS is committed to address the underlying reason for DHS employee dissatisfaction and suggestions for improvement."

I also commend DHS Secretary, Michael Chertoff, in comments before our committee last week for acknowledging the problem and promising to fix it. I believe it is imperative to the security of our homeland that the dedicated men and women who carry out the directives and policies that Congress puts forward feel good about themselves and the jobs that they are doing so they can best achieve the very noble goals toward which they are working.

It should be proud of the work the more than 200,000 employees at DHS work tirelessly to help prevent and respond to acts of terrorism, natural disasters and other emergencies. I think Secretary Chertoff's directive to the Homeland Security Advisory Council to establish a culture task force to respond on ways to empower, energize,

and create a more mission-focused culture within DHS and among its Federal, State and local partners was a good first step.

I would say, however, that the answers lie not in creating more bureaucracy but in streamlining and better defining the mission of DHS headquarters and allowing its component organizations to use their particular talents and expertise to accomplish their individual mission in as efficient, creative, and innovative manner as possible.

I also believe we must acknowledge the role that Congress has played and will continue to play in the ultimate success or failure of the department in accomplishing its mission of defending America and saving lives. We in this body must be sensitive to the demands and mandates that we place on DHS employees in the conduct of the war.

I think we can all agree that an overwhelming majority of DHS employees are hardworking, as I said. They are dedicated and hardworking individuals who are personally committed to keeping us, our families, our country secure from terrorist attacks and other disasters that could befall this great Nation.

We must remember, however, that decentralized congressional jurisdiction over Homeland Security issues and the desire to provide proper oversight often makes it difficult for them to do their job. I hope that, especially as members of the Homeland Security Committee, we do not unintentionally make their jobs more difficult in our desire to do our jobs.

I want to thank full committee chairman BENNIE THOMPSON, ranking member PETER KING, subcommittee chairman CHRIS CARNEY, and subcommittee ranking member MIKE ROGERS for bringing this resolution to the floor today.

I urge all of my colleagues to support this resolution and recognize the contributions DHS employees make to protect and secure our Nation. They should know that we understand the daily challenges they face and appreciate the dedication and hard work, the professionalism which they embody, and they conduct themselves in a fine manner.

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

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

Mr. BILIRAKIS. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. REICHERT).

Mr. REICHERT. Mr. Speaker, as a member of the Committee on Homeland Security, I rise in strong support of H. Res. 134. This resolution recognizes and honors the employees of the Department of Homeland Security for their exceptional efforts and contributions to protect and secure the Nation.

Since the creation of the Department of Homeland Security 4 years ago, the department has made significant steps in ensuring the safety of the American people, specifically with regard to pre-

paring, equipping and training our first responders, protecting our skies, and securing our borders and ports.

In my home State of Washington, we have almost 2,000 people working for the Department of Homeland Security, including 178 members of the Coast Guard, 337 Immigration employees and Custom Enforcement officers, and 1,282 Transportation Security Administration employees. Many of these men and women put their lives on the line every day to ensure that another 9/11 attack does not occur.

In addition to protecting us from another terrorist attack, the Department of Homeland Security employees thwart human smuggling networks and disrupt the international drug trade. An example of these efforts is in 2005 a discovery of a tunnel between the United States and Canada that would have been used to smuggle drugs into the United States.

Mr. Speaker, it is easy to come to this floor and come together in a bipartisan way and pass a resolution to say that we support the men and women who work in the Department of Homeland Security. It is easy to talk about morale. It is easy to criticize the men and women who protect our children, protect our neighbors and protect our communities and are out there every day. We need to show by action.

We need to support them in our legislation that we pass that provides them with the tools and the resources they need to do their job. I was in law enforcement 33 years in the Seattle area. I know that when I made a life-and-death decision, I had the support of my administration, I had the support of my leadership.

Our men and women who work for the Department of Homeland Security need a strong leadership. And our strong leadership can be supported by people right here in this body, by supporting them again with their resources and the tools that they need.

Mr. Speaker, the employees of the Department of Homeland Security have a tough job, a very tough job. They not only need our strong words of support here today, and the support that we bring with our vote in supporting this resolution, but they need our respect, and our admiration each and every day as they are out there protecting our country, our children, and the future of our grandchildren.

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

Mr. BILIRAKIS. Mr. Speaker, I yield such 3 minutes to the gentleman from Texas (Mr. POE).

Mr. POE. Mr. Speaker, I too support the efforts of the men and women who work in Homeland Security. As a former judge in Texas for over 20 years, I appreciate all of those in our country who are in law enforcement. But I was disappointed and concerned to hear that this department who is tasked with protecting our Nation's borders, ports, and other critical infrastructure

is ranked dead last in employee attitude and morale of all 36 Federal departments surveyed.

To me it reflects the poor and often ambiguous leadership and policies at the top of the department, and I hope Congress can work together to correct this and correct it soon before someone does harm to our Nation.

Mr. Speaker, let me provide a couple of absurd examples of maybe the reason why those who are working at the Department of Homeland Security are so frustrated. Three years ago this Saturday, a couple of our border agents witnessed a drug smuggler illegally entering our country, bringing a million dollars worth of drugs.

They order the perpetrator to stop, he doesn't, the agents pursue the suspect, a scuffle ensues and shots are fired. Mr. Speaker, a different kind of environment exists on our Nation's border in the fight against drug smugglers, human traffickers, and terrorists. These two border agents, Ramos and Compean entered the Border Patrol and were trained with the sole duty of protecting Americans, you and me, and the sovereignty of this country.

Well, Mr. Speaker, these agents were not commended for their actions in preventing what turned out to be 700 pounds of marijuana from reaching the streets of America. No, they were prosecuted for it, convicted, and now sit in Federal prison for a decade for doing what they felt like was the right thing to do.

Our Federal Government made a deal with the drug smuggler, a back-room deal and let him loose to go after the border agents. No wonder there is low morale. You see, it is a violation of Border Patrol regulations to go after someone who is fleeing. The Border Patrol pursuit policy is unrealistic by prohibiting the pursuit of someone. This is ridiculous.

Also border agents cannot fire their weapon unless they are fired upon first. This is absurd. Now, some old Texas Ranger once said, No lawman should have to take a bullet before he can use his weapon. When border agents are approached by illegals carrying automatic weapons, they should not have to run away and retreat or be fired at before they stop the intrusion.

□ 1430

I guess this rule was conjured up by some bureaucrat up here in Washington, DC that has never been to the southern border, maybe conjured up for some political reasons.

Mr. Speaker, when we ask the border agents to protect the lawless and violent southern border, we need to give them clear rules of engagement to prevent the invasion into our Nation. We need to support them, and we need to let them know that Congress will support their actions.

Mr. CARNEY. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Thank you, Congressman CARNEY, for bringing this important piece of legislation before the House.

Today, friends, we will honor and we will respect the fourth anniversary of the Department of Homeland Security. In so doing, we understand that it has been a rocky 4 years, but the importance of this mission of Homeland Security has only grown.

We must never forget the crucial mission of the Department of Homeland Security and that it cannot be fulfilled without the people who make up the Department of Homeland Security.

While there have been some difficult times, it is time for us to acknowledge that there are some good people working in the Department of Homeland Security. These people are heroes who work day and night keeping our country safe. They sacrifice their time. They are often away from their families, and they do a thankless job too often. So we are here today to say thank you, not only to those who are in the lofty offices and who hold high positions, but we are also here today to say thank you to those who sweep the floors, those who file the paperwork, those who answer the phones, those who are making a difference in the lives of Americans by making sure that while we are on their watch we are protected.

I want you to know that while the Department came in dead last with reference to job satisfaction for Federal employees, according to a recent OPM survey, and we know that this is unacceptable, they were dead last; but I believe that they can improve. I believe that they will do better. And I want to share my optimism because the Department of Homeland Security is a Department that every one of us is depending on who lives in the homeland. So the leadership in this Department must do better.

Congress today, I believe, stands with the rank and file employees of this Department, and we want everyone to do better, and we are here to support all of those many employees who are working hard for us.

So I ask today that my colleagues join me in supporting and in embracing this resolution for the Department of Homeland Security. They are making a difference in our lives.

The Department recently saw its fourth anniversary. It has been a rocky 4 years, but the importance of its mission has only grown.

We must never forget that the crucial mission of the Department cannot be fulfilled without the people who make it up.

These heroes work day and night keeping our country safe, sacrificing time with their families, doing often thankless jobs. We are here today to thank them.

The Department came in last in the recent OPM survey of job satisfaction of Federal employees. This is unacceptable. The Department's leadership must do better; it must listen to the people on the front lines.

Congress stands with these rank-and-file employees. We will do our part to see that the Department does better by them.

We have criticized the Department's management and decisions in the past, but no one should mistake this for criticism of the men and women on the front lines, day after day.

Please join me in honoring these everyday heroes.

Mr. THOMPSON of Mississippi. Mr. Speaker, it is my pleasure to be here today to honor the employees of the Department of Homeland Security. Four years ago the Department came into being with the crucial mission of protecting and securing our homeland.

It has been a tough 4 years, and the importance of this mission has only grown with time. If you watch the news, you hear all the acronyms for the different parts of the Department—DHS, CBP, FEMA, ICE, FPS, TSA, and the list goes on.

I fear that this alphabet soup may hide the faces of the people who make up the many pieces of the Department. But the vital mission of these different components cannot be fulfilled without the people who make them up. For example, the U.S. Secret Service does not protect the President—Secret Service Agents protect the President. United States Customs and Border Protection does not protect our ports of entry, Customs and Border Protection officers do that.

The Border Patrol does not guard our border, Border Patrol Agents guard the border. The Coast Guard does not watch our shores and rescue our citizens, Coast Guard men and women do. I could go on, but the point is the same: It is not the "Department" that gives up family time to help secure our Nation. It is not the "Department" that works nights, weekends, and holidays. It is not the "Department" that puts its life on the line. It is the people of the Department who make these sacrifices.

Let's not forget that these everyday heroes I just mentioned can't do their jobs without the support personnel in their agencies and Directorates—the contracting officers, administrative assistants, technical support teams, financial managers, and many more. While these folks don't always get the best support and guidance from their management, that in no way diminishes their efforts and sacrifices. It pained me to see the recent Office of Personnel Management survey, in which the Department ranks last in terms of job satisfaction.

For the sake of its employees—and for the security of our Nation—the Department's management must do better. I have been critical of the Department's management and some of its decisions in the past, and I'm sure I will be in the future. But no one should mistake my occasional criticism of the way this Department has been run with criticism for the fine men and women who are on the front lines, day after day. I pledge to the employees of the Department that the Committee on Homeland Security will not ignore this problem. We will do our part to see that things improve. We will work with the management of the Department when we can—but we will also give them a gentle push in the right direction when we need to. As Chairman of the Committee on Homeland Security, it is an honor for me to stand here today in support of this resolution.

This Nation must never forget the lessons of 9/11 and Katrina. And it must never take for granted the men and women who go out every day with one purpose: to do their best, in ways small and large, to keep us all safe. I urge all the Members of the House to join me in honoring these everyday heroes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 134, to recognize the employees of the Department of Homeland Security for their efforts and contributions to protect and secure the Nation.

The Department of Homeland Security is critical in ensuring our great nation's preparation for future terrorist threats and attacks. Its employees step beyond the ordinary call of duty and tirelessly help to prepare our Nation to counter acts of terrorism, natural disasters, and other emergencies.

After the events of September 11, 2001 the American people became painfully aware of the difference between feeling secure and actually being secure. The president responded to the need for development and implementation of a comprehensive national strategy to secure the U.S. from terrorist threats or attacks and thus on November 25, 2002 with the largest government reorganization in 50 years, DHS was established.

More than 208,000 employees of the Department work with state, local and tribal partners to ensure disaster preparedness at all levels of government while sacrificing their invaluable time with their family and working long hours to stand willing, able, and ready to respond if catastrophe strikes.

The Homeland Security Department's employees not only stand vigilant and steadfast against terrorist attacks but fulfill the mission of the department to protect continuously our Nation's borders, airport, seaports, rail lines, and other transit systems.

While it is fitting and appropriate to recognize the contributions of DHS employees, Mr. Speaker, it is also necessary to recognize that this Administration continues to deny labor rights to some of the most vital workers in the Transportation Security Administration—the TSA Screeners. Hiding behind the argument and the rhetoric that it needs a flexible security screening force, the Bush Administration continues to equate basic collective bargaining rights with a lack of patriotism. That is, the Administration is operating under the mistaken belief that allowing employees to collectively bargain for rights that others at DHS have will negatively impact homeland security. This is simply untrue.

If the Administration's argument were true, then this means that the law enforcement officers at the Border Patrol, Customs and Border Protection, and the Federal Protective Services are all negatively impacting homeland security—since these brave men and women have collective bargaining rights. And, despite having these rights, these folks are part of a flexible and highly sought after human resource, just like the TSA Screeners. So, as we honor all DHS employees, Mr. Speaker, let us not forget that we must do more to make DHS a fair and equitable place to work.

I thank Congressmen CARNEY and BILIRAKIS for managing this important bipartisan legislation and I strongly urge my colleagues to stand together to commend, applaud and commemorate the employees of the DHS. Their important duties extend beyond the ordinary. They protect our homeland and our people.

DHS employees have sacrificed and worked tirelessly to safely protect us not only from terrorist attacks but our borders as well as our airports, seaports, rail lines, and other transit systems. For this, they deserve our gratitude.

Mr. CARNEY. Mr. Speaker, I would inquire as to whether the gentleman from Florida has any more speakers.

Mr. BILIRAKIS. Mr. Speaker, I do not.

Mr. CARNEY. Mr. Speaker, I urge my colleagues to vote “aye” on House Resolution 134.

I yield back the balance of my time.

Mr. BILIRAKIS. 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 Pennsylvania (Mr. CARNEY) that the House suspend the rules and agree to the resolution, H. Res. 134.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CARNEY. 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.

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**ESTABLISHING A PILOT PROGRAM IN CERTAIN DISTRICT COURTS TO ENCOURAGE ENHANCEMENT OF EXPERTISE IN PATENT CASES AMONG DISTRICT JUDGES**

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 34) to establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges.

The Clerk read as follows:

H.R. 74

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

**SECTION 1. PILOT PROGRAM IN CERTAIN DISTRICT COURTS.**

**(a) ESTABLISHMENT.—**

**(1) IN GENERAL.**—There is established a program, in each of the United States district courts designated under subsection (b), under which—

(A) those district judges of that district court who request to hear cases under which one or more issues arising under any Act of Congress relating to patents or plant variety protection must be decided, are designated by the chief judge of the court to hear those cases;

(B) cases described in subparagraph (A) are randomly assigned to the judges of the district court, regardless of whether the judges are designated under subparagraph (A);

(C) a judge not designated under subparagraph (A) to whom a case is assigned under subparagraph (B) may decline to accept the case; and

(D) a case declined under subparagraph (C) is randomly reassigned to one of those judges of the court designated under subparagraph (A).

**(2) SENIOR JUDGES.**—Senior judges of a district court may be designated under paragraph (1)(A) if at least 1 judge of the court in regular active service is also so designated.

**(3) RIGHT TO TRANSFER CASES PRESERVED.**—This section shall not be construed to limit the ability of a judge to request the reassignment of or otherwise transfer a case to which

the judge is assigned under this section, in accordance with otherwise applicable rules of the court.

**(b) DESIGNATION.**—The Director of the Administrative Office of the United States Courts shall, not later than 6 months after the date of the enactment of this Act, designate not less than 5 United States district courts, in at least 3 different judicial circuits, in which the program established under subsection (a) will be carried out. The Director shall make such designation from among the 15 district courts in which the largest number of patent and plant variety protection cases were filed in the most recent calendar year that has ended, except that the Director may only designate a court in which—

(1) at least 10 district judges are authorized to be appointed by the President, whether under section 133(a) of title 28, United States Code, or on a temporary basis under other provisions of law; and

(2) at least 3 judges of the court have made the request under subsection (a)(1)(A).

**(c) DURATION.**—The program established under subsection (a) shall terminate 10 years after the end of the 6-month period described in subsection (b).

**(d) APPLICABILITY.**—The program established under subsection (a) shall apply in a district court designated under subsection (b) only to cases commenced on or after the date of such designation.

**(e) REPORTING TO CONGRESS.—**

**(1) IN GENERAL.**—At the times specified in paragraph (2), the Director of the Administrative Office of the United States Courts, in consultation with the chief judge of each of the district courts designated under subsection (b) and the Director of the Federal Judicial Center, 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 pilot program established under subsection (a). The report shall include—

(A) an analysis of the extent to which the program has succeeded in developing expertise in patent and plant variety protection cases among the district judges of the district courts so designated;

(B) an analysis of the extent to which the program has improved the efficiency of the courts involved by reason of such expertise;

(C) with respect to patent cases handled by the judges designated pursuant to subsection (a)(1)(A) and judges not so designated, a comparison between the 2 groups of judges with respect to—

(i) the rate of reversal by the Court of Appeals for the Federal Circuit, of such cases on the issues of claim construction and substantive patent law; and

(ii) the period of time elapsed from the date on which a case is filed to the date on which trial begins or summary judgment is entered;

(D) a discussion of any evidence indicating that litigants select certain of the judicial districts designated under subsection (b) in an attempt to ensure a given outcome; and

(E) an analysis of whether the pilot program should be extended to other district courts, or should be made permanent and apply to all district courts.

**(2) TIMETABLE FOR REPORTS.**—The times referred to in paragraph (1) are—

(A) not later than the date that is 5 years and 3 months after the end of the 6-month period described in subsection (b); and

(B) not later than 5 years after the date described in subparagraph (A).

**(3) PERIODIC REPORTING.**—The Director of the Administrative Office of the United States Courts, in consultation with the chief judge of each of the district courts designated under subsection (b) and the Director

of the Federal Judicial Center, shall keep the committees referred to in paragraph (1) informed, on a periodic basis while the pilot program is in effect, with respect to the matters referred to in subparagraphs (A) through (E) of paragraph (1).

**(f) AUTHORIZATION FOR TRAINING AND CLERKSHPIS.**—In addition to any other funds made available to carry out this section, there is authorized to be appropriated not less than \$5,000,000 in each fiscal year for—

(1) educational and professional development of those district judges designated under subsection (a)(1)(A) in matters relating to patents and plant variety protection; and

(2) compensation of law clerks with expertise in technical matters arising in patent and plant variety protection cases, to be appointed by the courts designated under subsection (b) to assist those courts in such cases.

Amounts made available pursuant to this subsection shall remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from California.

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

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

Mr. BERMAN. Mr. Speaker, I rise in support of H.R. 34 and ask my colleagues to join me in voting to pass this legislation. Last Congress, an identical bill passed unanimously through the Judiciary Committee and then passed by voice vote on suspension on the House floor.

Patents are the cornerstone of our economy and provide incentives for innovation. Therefore, it is all the more important to continually assess the effect patent litigation has on the preservation of patent quality and intellectual property rights.

H.R. 34 authorizes the Administrative Office of the United States Courts to establish pilot programs in the United States district courts where the most patent cases are filed. At minimum, five courts, spread over at least three circuits, will take part. To qualify, a court must have at least 10 judges, and at least three judges must request to take part in that program in each of the districts.

The chief judge randomly assigns the patent cases. Should that judge, who is assigned the case, decline that assignment, one of the several judges who has opted to take part in the pilot program receives the case. Further, H.R. 34 requires the Director of the Administrative Office of the United States Courts to report to Congress on the pilot program’s success in developing judicial expertise in patent law and authorizes funds to increase both judges’ familiarity with patent law and provide additional funding for clerks.

Patent law is an extremely complex body of law involving analysis of intricate technologies, and Federal district court judges spend an inordinate