Mr. BILIRAKIS. Mr. Speaker, I rise today in support of H.R. 6098, the Personnel Reimbursement for Intelligence Cooperation and Enhancement of Homeland Security Act, sponsored by a great Member, again, another great Member that I am fortunate to serve with on the Homeland Security Committee, Congressman DAVE REICHERT.

This bill, which I have cosponsored, would clarify that grant recipients under the State Homeland Security Grant Program, and the Urban Area Security Initiative, can use grant funding to help pay for analysts at State and local fusion centers.

This clarification is critically important because some of these fusion centers have had to limit their operations and some may have to cease operations altogether because of unnecessary restrictions on Federal funding, despite the intent of the 9/11 bill that became law last year.

Congressman REICHERT's bill wisely updates current law to make clear that UASI and SHSGP funding can be used to hire and retain these intelligence analysts without a limitation on how long grants can be used for this purpose.

This bill also would allow grant recipients to use up to 50 percent of their annual grant award for personnel and operational costs, including overtime.

Mr. Speaker, state and local fusion centers play an important role in filling gaps in information sharing with the Federal Government and facilitating the dissemination of critical information to States and localities.

I encourage all of our colleagues to help these centers maximize our ability to detect, prevent and respond to criminal and terrorist activity by supporting H.R. 6098.

I reserve the balance of my time.

Ms. HARMAN. Mr. Speaker, we have no further speakers on our side. I am prepared to close debate once the minority has closed.

Mr. BILIRAKIS. Mr. Speaker, I strongly support this bill, as I stated earlier.

I yield back.

Ms. HARMAN. Mr. Speaker, we have just debated eight bills that come out of the Homeland Security Committee. I think that is a pretty good work product. As I mentioned earlier, four of them, those managed by the chairman of the full committee, Mr. THOMPSON, I think, are excellent policy. They come from a variety of subcommittees. And I want to thank him again, ranking member KING and the superb bipartisan staff that has helped move us along. I urge their passage by this House.

The four bills that I have just managed, and that we debated earlier, one of which, hopefully will reduce the pernicious practice of overclassification and selective declassification, a second, which will reduce the ability to put sensitive but unclassified markings on documents, a third which will promote the dissemination of open source information by the Department of Homeland Security, and the fourth, which will end the absurd practice of having to fire people in order to continue to receive Federal funds, all go in one direction. And what is that direction? That direction is to help our first preventers, police and fire services, who know our neighborhoods best, to get critical information in real time about what to look for and what to do.

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Without critical information in real time, the cop on the beat could unfortunately miss the plot that is being pursued in the house right in front of him because he or she doesn't know what to look for and what to do.

Each of these bills is designed to get information which the Federal Government may have or which may appear in open source materials to that first preventer in real time. And each of these bills also is designed to reduce and hopefully eliminate the excuses that can cause a Federal bureaucrat to decide that to protect his turf or her turf or to protect himself or herself from embarrassment, to say ''Oh, I will just mark this document 'classified' or I will just put an SBU marking on this document and that way the person next door won't get to see it.''

Well, Mr. Speaker, that's the wrong impulse, it's the wrong signal, and with passage of these bills, we send a strong message; and more than that, a strong requirement to the Department of Homeland Security that at least the people who work there cannot, any longer, use or abuse the classification and SBU systems in order to protect themselves.

I'm hopeful that later this afternoon as we debate some additional bills on the suspension calendar, one of the things we will do is to use this principle of limiting the categories for ''sensitive but unclassified'' and take it government-wide. That is legislation that, as I mentioned, has been reported by the Oversight and Government Reform Committee, and I believe that will be before us shortly.

I want to say that I endorse that idea. I think it makes sense to reduce the SBU categories across the government. I think we can make DHS the gold standard, but hopefully every department of government that can use those stamps to prevent necessary information from being shared will get the same strong message.

Let me finally say, as one of the coauthors of the Intelligence Reform bill of 2004, that we recognized, when we enacted that bill, that what has been called a ''need-to-know'' culture that has created stovepipes, so-called stovepipes in our government, had to be changed to a ''need-to-share'' culture if we were ever going to be able to connect the dots to prevent the next attack.

Changing a culture from ''need to know'' to ''need to share'' is a very difficult thing to do, but a piece of that is breaking down the ways that individuals prevent information from moving off their desks to the person at the next desk.

And with passage of the four bills we have just debated, I think we send the strongest possible signal. And with passage of legislation that Mr. WAXMAN, I believe, is going to offer strongly, we continue to send that signal out across the government.

So Mr. Speaker, I urge passage of the Reichert bill that we have just debated. I urge passage of the four bills that I have been managing during the last hour or so. I call for an ''aye'' vote on the legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. HARMAN) that the House suspend the rules and pass the bill, H.R. 6098, as amended.

The question was taken.

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

Ms. HARMAN. 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. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

## GOVERNMENT ACCOUNTABILITY OFFICE IMPROVEMENT ACT OF 2008

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6388) to provide additional authorities to the Comptroller General of the United States, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6388

*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 ''Government Accountability Office Improvement Act of 2008''.

**SEC. 2. AUTHORITY TO OBTAIN RECORDS.**

(a) AUTHORITY TO OBTAIN RECORDS.—Section 716 of title 31, United States Code, is amended in subsection (a)—

(1) by striking ''(a)'' and inserting ''(2)''; and

(2) by inserting after the section heading the following:

''(a)(1) The Comptroller General is authorized to obtain such agency records as the Comptroller General requires to discharge his duties (including audit, evaluation, and investigative duties), including through the bringing of civil actions under this section. In reviewing a civil action under this section, the court shall recognize the continuing force and effect of the authorization in the preceding sentence until such time as the authorization is repealed pursuant to law.''.

(b) INTERVIEWS.—Section 716(a) of title 31, United States Code, as amended by subsection (a), is further amended in the second sentence of paragraph (2) by inserting ''and interview agency officers and employees'' after ''agency record''.

**SEC. 3. ADMINISTERING OATHS.**

Section 711 of title 31, United States Code, is amended by striking paragraph (4) and inserting the following:

''(4) administer oaths to witnesses, except that, in matters other than auditing and settling accounts, the authority of an officer or employee to administer oaths to witnesses pursuant to a delegation under paragraph (2) shall not be available without the prior express approval of the Comptroller General (or a designee).''.

**SEC. 4. ACCESS TO CERTAIN INFORMATION.**

(a) ACCESS TO CERTAIN INFORMATION.—Subchapter II of chapter 7 of title 31, United States Code, is amended by adding at the end the following:

**''§ 721. Access to certain information**

''(a) No provision of the Social Security Act shall be construed to limit, amend, or supersede the authority of the Comptroller General to obtain any information, to inspect any record, or to interview any officer or employee under section 716 of this title, including with respect to any information disclosed to or obtained by the Secretary of Health and Human Services under part C or D of title XVIII of the Social Security Act.

''(b) No provision of the Federal Food, Drug, and Cosmetic Act shall be construed to limit, amend, or supersede the authority of the Comptroller General to obtain any information, to inspect any record, or to interview any officer or employee under section 716 of this title, including with respect to any information concerning any method or process which as a trade secret is entitled to protection.

''(c) No provision of the Hart-Scott-Rodino Antitrust Improvements Act of 1976 and the amendments made by that Act shall be construed to limit, amend, or supersede the authority of the Comptroller General to obtain any information, to inspect any record, or to interview any officer or employee under section 716 of this title, including with respect to any information disclosed to the Assistant Attorney General of the Antitrust Division of the Department of Justice or the Federal Trade Commission for purposes of premerger review under section 7A of the Clayton Act (15 U.S.C. 18a).

''*(d)(1) The Comptroller General shall prescribe such policies and procedures as are necessary to protect from public disclosure proprietary or trade secret information obtained consistent with this section.*

''*(2) Nothing in this section shall be construed—*

''*(A) to alter or amend the prohibitions against the disclosure of trade secret or other sensitive information prohibited by section 1905 of title 18 and other applicable laws; or*

''*(B) to affect the applicability of section 716(e) of this title, including the protections against unauthorized disclosure contained in that section, to information obtained consistent with this section.*''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 7 of title 31, United States Code, is amended by inserting after the item relating to section 720 the following:

''721. Access to certain information.''.

**SEC. 5. COMPTROLLER GENERAL REPORTS.**

Section 719 of title 31, United States Code, is amended—

(1) in subsection (b)(1)(B), by striking ''and'' at the end;

(2) in subsection (b)(1)(C), by striking the period at the end and inserting ''; and'';

(3) by adding at the end of subsection (b)(1) the following:

''(D) for agencies subject to sections 901 to 903 and other agencies designated by the Comptroller General, an assessment of their overall degree of cooperation in making personnel available for interview, providing written answers to questions, submitting to an oath authorized by the Comptroller General under section 711, granting access to records, providing timely comments to draft reports, adopting recommendations in reports and responding to such other matters as the Comptroller General deems appropriate.'';

(4) in subsection (c)(2)(B), by striking ''and'' at the end;

(5) in subsection (c)(3), by striking the period at the end and inserting ''; and'', and

(6) by adding at the end of subsection (c) the following:

''(4) as soon as practicable when an agency does not, within a reasonable time, respond to a request by the Comptroller General regarding any matter described in subsection (b)(1)(D).''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. WAXMAN) and the gentleman from Virginia (Mr. DAVIS) will each control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to revise and extend their remarks.

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

There was no objection.

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

This bill, H.R. 6388, the Government Accountability Office Improvement Act, is crucial legislation for protecting the taxpayers from waste, fraud, and abuse, and it is a cornerstone of Congress' efforts to improve oversight of the executive branch.

There are many details in this legislation, but the essence of this bill before us is about fighting waste, fraud, and abuse. It gives GAO access to the information it needs and helps Congress legislate effectively. One of our most important jobs as Members of Congress is to protect the interests of the Federal taxpayer.

I reserve the balance of my time.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I want to state at the outset that the most important issue in the country right now is the rising cost of fuels, and we can't have that debate because leadership on the other side refuses to allow us votes on domestic exploration. And I wish we were talking about that today, but let me say this. I'm going to speak for H.R. 6388, the Government Accountability Office Improvement Act of 2008.

This bill does a number of things. First of all, one of the things it does is overturn the U.S. District Court for the District of Columbia's decision in Walker v. Cheney where the court held the GAO lacked standing to sue the Vice President to compel the release of information pertaining to the Vice President's Energy Task Force. It was the first time in its then-81-year-old history that the GAO filed suit against an executive branch official regarding access to records. This is an important issue for congressional power and oversight, and the White House, for obvious reasons, is opposing the bill for that reason institutionally. The White House is protecting the ''institution,'' the executive branch, not the administration, which this bill doesn't affect.

Our interests here should also be ''institutional'' as well making sure that this Congress and future Congresses have this type of oversight over future executives.

Last July, the GAO submitted to Congress a legislative proposal to make a number of largely noncontroversial changes to their authorizing statute. The Government Oversight and Reform Committee addressed many of these reforms. The bill we're taking up today represents an effort by Congress to strengthen and clarify GAO's investigative authority.

I had several concerns about this legislation as it was originally introduced. The bill would have included new language giving GAO specific access to Medicare Part D data held by the Department of Health and Human Services, as well as trade secrets held by the Food and Drug Administration. Congress has access to that information now. We didn't think new language would be necessary.

The original bill also included broad language to expand GAO's authority to interview agency employees and administer oaths to witnesses in conjunction with investigations.

But I would add we, the Committee, adopted the amendment offered by Chairman WAXMAN and myself to improve the original bill, and specifically section 4 of the bill now includes language to ensure GAO will protect the most sensitive data it obtains under this section.

Now section 4 will clarify GAO's access to data specific to Medicare Part D held by the Department of Health and Human Services, trade secrets held by the Food and Drug Administration and proprietary commercial information held by the Antitrust Division of the Justice Department and the Federal Trade Commission.

In its current form, these provisions are intended to remedy problems that GAO has encountered in getting agencies to voluntarily turn over such sensitive data.

The amendment adopted by the committee attempts to ensure that this data containing valuable trade secrets and other confidential commercial information is not disclosed.

While it's still not clear that we need this section, the amendment adopted by the committee gives me a sufficient

level of comfort that information containing trade secrets and other confidential commercial data to which GAO has access will be protected against improper disclosure.

I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, we have no further requests for time and yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. WAXMAN) that the House suspend the rules and pass the bill, H.R. 6388, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## CONFERENCE REPORT ON H.R. 4040, CONSUMER PRODUCT SAFETY IMPROVEMENT ACT OF 2008

Mr. WAXMAN submitted the following conference report on the bill (H.R. 4040) to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission:

CONFERENCE REPORT (H. REPT. 110–787)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4040), to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Consumer Product Safety Improvement Act of 2008''.

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



**SEC. 2. REFERENCES.**

(a) DEFINED TERMS.—As used in this Act—

(1) the term ''appropriate Congressional committees'' means the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the term ''Commission'' means the Consumer Product Safety Commission.

(b) CONSUMER PRODUCT SAFETY ACT.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed as an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Consumer Product Safety Act (15 U.S.C. 2051 et seq.).

**SEC. 3. AUTHORITY TO ISSUE IMPLEMENTING REGULATIONS.**

The Commission may issue regulations, as necessary, to implement this Act and the amendments made by this Act.

**TITLE I—CHILDREN'S PRODUCT SAFETY**

**SEC. 101. CHILDREN'S PRODUCTS CONTAINING LEAD; LEAD PAINT RULE.**

(a) GENERAL LEAD BAN.—

(1) TREATMENT AS A BANNED HAZARDOUS SUBSTANCE.—Except as expressly provided in subsection (b) beginning on the dates provided in paragraph (2), any children's product (as defined in section 3(a)(16) of the Consumer Product Safety Act (15 U.S.C. 2052(a)(16))) that contains more lead than the limit established by paragraph (2) shall be treated as a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.).

(2) LEAD LIMIT.—

(A) 600 PARTS PER MILLION.—Except as provided in subparagraphs (B), (C), (D), and (E), beginning 180 days after the date of enactment of this Act, the lead limit referred to in paragraph (1) is 600 parts per million total lead content by weight for any part of the product.

(B) 300 PARTS PER MILLION.—Except as provided by subparagraphs (C), (D), and (E), beginning on the date that is 1 year after the date of enactment of this Act, the lead limit referred to in paragraph (1) is 300 parts per million total lead content by weight for any part of the product.

(C) 100 PARTS PER MILLION.—Except as provided in subparagraphs (D) and (E), beginning on the date that is 3 years after the date of enactment of this Act, subparagraph (B) shall be applied by substituting ''100 parts per million'' for ''300 parts per million'' unless the Commission determines that a limit of 100 parts per million is not technologically feasible for a product or product category. The Commission may make such a determination only after notice and a hearing and after analyzing the public health protections associated with substantially reducing lead in children's products.

(D) ALTERNATE REDUCTION OF LIMIT.—If the Commission determines under subparagraph (C) that the 100 parts per million limit is not technologically feasible for a product or product category, the Commission shall, by regulation, establish an amount that is the lowest amount of lead, lower than 300 parts per million, the Commission determines to be technologically feasible to achieve for that product or product category. The amount of lead established by the Commission under the preceding sentence shall be substituted for the 300 parts per million limit under subparagraph (B) beginning on the date that is 3 years after the date of enactment of this Act.

(E) PERIODIC REVIEW AND FURTHER REDUCTIONS.—The Commission shall, based on the best available scientific and technical information, periodically review and revise downward the limit set forth in this subsection, no less frequently than every 5 years after promulgation of the limit under subparagraph (C) or (D) to require the lowest amount of lead that the Commission determines is technologically feasible to achieve. The amount of lead established by the Commission under the preceding sentence shall be substituted for the lead limit in effect immediately before such revision.

(b) EXCLUSION OF CERTAIN MATERIALS OR PRODUCTS AND INACCESSIBLE COMPONENT PARTS.—

(1) CERTAIN PRODUCTS OR MATERIALS.—The Commission may, by regulation, exclude a specific product or material from the prohibition in subsection (a) if the Commission, after notice and a hearing, determines on the basis of the best-available, objective, peer-reviewed, scientific evidence that lead in such product or material will neither—

(A) result in the absorption of any lead into the human body, taking into account