

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 4092

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

SECTION 1. CLARIFICATION OF CERTAIN LAND USE IN JEFFERSON COUNTY, COLORADO.

Notwithstanding any applicable State or local land use or condemnation laws or regulations, and subject to all applicable Federal laws and regulations, any person that holds an approved Federal Communications Commission permit to construct or install either a digital television broadcast station antenna or tower, or both, located on Lookout Mountain in Jefferson County in the State of Colorado, may, at such location, construct, install, use, modify, replace, repair, or consolidate such antenna or tower, or both, and all accompanying facilities and services associated with such digital television broadcasts, if such antenna or tower is of the same height or lower than the tallest existing analog broadcast antenna or tower at such location.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL BREAST AND CERVICAL CANCER EARLY DETECTION PROGRAM REAUTHORIZATION ACT OF 2006

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5472) to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 5472

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 Breast and Cervical Cancer Early Detection Program Reauthorization Act of 2006".

SEC. 2. NATIONAL BREAST AND CERVICAL CANCER EARLY DETECTION PROGRAM.

Title XV of the Public Health Service Act (42 U.S.C. 300k et seq.) is amended—

(1) in section 1501(d)—

(A) in the heading, by striking "2000" and inserting "2020"; and

(B) by striking "by the year 2000" and inserting "by the year 2020";

(2) in section 1503, by adding at the end the following:

"(d) WAIVER OF SERVICES REQUIREMENT ON DIVISION OF FUNDS.—

"(1) IN GENERAL.—The Secretary may waive the requirements of paragraphs (1) and (4) of subsection (a) if the Secretary finds that—

"(A)(i) the State involved will use the waiver to leverage private funds to supplement each of the services or activities described in paragraphs (1) and (2) of section 1501(a); or

"(ii) the application of such requirements would result in a barrier to the participation of qualifying women in the services or activities described in paragraphs (1) and (2) of section 1501(a);

"(B) granting such a waiver to the State will not reduce the number of women in the State who receive any of the services or activities described in paragraphs (1) and (2) of section 1501(a), including screening procedures for both breast and cervical cancers; and

"(C) granting such a waiver to the State will not adversely affect the quality of any of the services or activities described in paragraphs (1) and (2) of section 1501(a)."

"(2) DURATION OF WAIVER.—

"(A) IN GENERAL.—In granting waivers under paragraph (1), the Secretary—

"(i) shall grant such waivers for a period of 2 years; and

"(ii) upon request of a State, may extend a waiver for additional 2-year periods in accordance with subparagraph (B).

"(B) ADDITIONAL PERIODS.—The Secretary, upon the request of a State that has received a waiver under paragraph (1), shall, at the end of each 2-year waiver period described in subparagraph (A), review performance under the waiver and may extend the waiver for an additional 2-year period if the Secretary finds that—

"(i)(I) the State involved will use the waiver to leverage private funds to supplement each of the services or activities described in paragraphs (1) and (2) of section 1501(a); or

"(II) without an extension of the waiver, the application of the requirements of paragraphs (1) and (4) of subsection (a) would result in a barrier to the participation of qualifying women in the services or activities described in paragraphs (1) and (2) of section 1501(a);

"(ii) the waiver has not reduced, and granting the waiver extension will not reduce, the number of women in the State who receive any of the services or activities described in paragraphs (1) and (2) of section 1501(a); and

"(iii) the waiver has not adversely affected, and granting the waiver extension will not adversely affect, the quality in the State of any of the services or activities described in paragraphs (1) and (2) of section 1501(a).

"(3) REPORTING REQUIREMENTS.—The Secretary shall include as part of the evaluations and reports required under section 1508, the following:

"(A) A description of the total amount of dollars leveraged annually from private entities in States receiving a waiver under this subsection and how these amounts were used.

"(B) With respect to States receiving a waiver under this subsection, a description of—

"(i) the percentage of the grant that is expended on services or activities described in paragraphs (1) and (2) of section 1501(a); and

"(ii) the percentage of the grant that is expended on services or activities described in paragraphs (3) through (6) of section 1501(a).

"(C) A description of the number of States receiving waivers under this subsection annually.

"(D) With respect to States receiving a waiver under this subsection, a description of the number of women receiving services under paragraphs (1), (2), and (3) of section 1501(a) in programs before and after the granting of such waiver.;"

(3) in section 1504(a), by striking "pursuant to paragraphs (1) and (2) of section 1501(a)" and inserting "pursuant to paragraphs (1), (2), and (3) of section 1501(a)"; and

(4) in section 1510(a)—

(A) by striking "and" after "\$150,000,000 for fiscal year 1994.,"; and

(B) by inserting "and \$250,000,000 for each of fiscal years 2007 through 2011" before the period at the end.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BARTON OF TEXAS

Mr. BARTON of Texas. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. BARTON of Texas:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Breast and Cervical Cancer Early Detection Program Reauthorization Act of 2006".

SEC. 2. NATIONAL BREAST AND CERVICAL CANCER EARLY DETECTION PROGRAM.

Title XV of the Public Health Service Act (42 U.S.C. 300k et seq.) is amended—

(1) in section 1501(d)—

(A) in the heading, by striking "2000" and inserting "2020"; and

(B) by striking "by the year 2000" and inserting "by the year 2020";

(2) in section 1503, by adding at the end the following:

"(d) WAIVER OF SERVICES REQUIREMENT ON DIVISION OF FUNDS.—

"(1) IN GENERAL.—The Secretary shall establish a demonstration project under which the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may waive the requirements of paragraphs (1) and (4) of subsection (a) for not more than 5 States, if—

"(A)(i) the State involved will use the waiver to leverage private funds to supplement each of the services or activities described in paragraphs (1) and (2) of section 1501(a); or

"(ii) the application of such requirement would result in a barrier to the enrollment of qualifying women;

"(B) the State involved provides assurances that the State will, on an annual basis, demonstrate to the Secretary the manner in which the State will use such waiver to maintain or expand the level of screening and follow-up services provided immediately prior to the waiver, and provide documentation of compliance with such maintenance or expansion requirement;

"(C) the State involved submits to the Secretary a plan for maintaining the level of activities carried out under the waiver after the expiration of the waiver;

"(D) the Secretary finds that granting such a waiver to a State will not reduce the number of women in the State that receive each of the services or activities described in paragraphs (1) and (2) of section 1501(a), including making available screening procedures for both breast and cervical cancers; and

"(E) the Secretary finds that granting such a waiver to a State will not adversely affect the quality of each of the services or activities described in paragraphs (1) and (2) of section 1501(a).

"(2) DURATION OF WAIVER.—

"(A) IN GENERAL.—In granting waivers under paragraph (1), the Secretary—

"(i) shall grant such waivers for a period of 2 years; and

"(ii) upon request of a State, may extend a waiver for an additional 2-year period in accordance with subparagraph (B).

"(B) ADDITIONAL PERIOD.—The Secretary, upon the request of a State that has received a waiver under paragraph (1), shall, at the end of the 2-year waiver period described in subparagraph (A), review performance under the waiver and may extend the waiver for an additional 2-year period if the Secretary determines that—

"(i)(I) without an extension of the waiver, there will be a barrier to the enrollment of qualifying women; or

“(II) the State requesting such extended waiver will use the waiver to leverage private funds to supplement the services or activities described in paragraphs (1) and (2) of section 1501(a);

“(ii) the waiver has not, and will not, reduce the number of women in the State that receive the services or activities described in paragraphs (1) and (2) of section 1501(a);

“(iii) the waiver has not, and will not, result in lower quality in the State of the services or activities described in paragraphs (1) and (2) of section 1501(a); and

“(iv) the State has maintained the average annual level of State fiscal expenditures for the services and activities described in paragraphs (1) and (2) of section 1501(a) for the 2 years for which the waiver was granted at a level that is not less than the level of the State fiscal expenditures for such services and activities for the year preceding the first year for which the waiver is granted.

“(3) REPORTING REQUIREMENTS.—The Secretary shall include as part of the evaluations and reports required under section 1508, the following:

“(A) A description of the total amount of dollars leveraged annually from private entities in States receiving a waiver under paragraph (1) and how these amounts were used.

“(B) With respect to States receiving a waiver under paragraph (1), a description of the percentage of the grant that is expended on providing each of the services or activities described in—

“(i) paragraphs (1) and (2) of section 1501(a); and

“(ii) paragraphs (3) through (6) of section 1501(a).

“(C) A description of the number of States receiving waivers under paragraph (1) annually.

“(D) With respect to States receiving a waiver under paragraph (1), a description of—

“(i) the number of women receiving services under paragraphs (1), (2), and (3) of section 1501(a) in programs before and after the granting of such waiver; and

“(ii) the average annual level of State fiscal expenditures for the services and activities described in paragraphs (1) and (2) of section 1501(a) for the year preceding the first year for which the waiver was granted.

“(4) LIMITATION.—Amounts to which a waiver applies under this subsection shall not be used to increase the number of salaried employees.

“(5) DEFINITIONS.—In this subsection:

“(A) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given the term in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

“(B) TRIBAL ORGANIZATION.—The term ‘tribal organization’ has the meaning given the term in section 4 of the Indian Health Care Improvement Act.

“(C) STATE.—The term ‘State’ means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau, an Indian tribe, and a tribal organization.”;

(3) in section 1508—

(A) in subsection (a), by striking “evaluations of the extent to which” and all that follows through the period and inserting: “evaluations of—

“(1) the extent to which States carrying out such programs are in compliance with section 1501(a)(2) and with section 1504(c); and

“(2) the extent to which each State receiving a grant under this title is in compliance

with section 1502, including identification of—

“(A) the amount of the non-Federal contributions by the State for the preceding fiscal year, disaggregated according to the source of the contributions; and

“(B) the proportion of such amount of non-Federal contributions relative to the amount of Federal funds provided through the grant to the State for the preceding fiscal year.”; and

(B) in subsection (b), by striking “not later than 1 year after the date on which amounts are first appropriated pursuant to section 1509(a), and annually thereafter” and inserting “not later than 1 year after the date of the enactment of the National Breast and Cervical Cancer Early Detection Program Reauthorization of 2006, and annually thereafter”;

(4) in section 1510(a)—

(A) by striking “and” after “\$150,000,000 for fiscal year 1994.”; and

(B) by inserting “, \$225,000,000 for fiscal year 2007, \$245,000,000 for fiscal year 2008, \$250,000,000 for fiscal year 2009, \$255,000,000 for fiscal year 2010, and \$275,000,000 for fiscal year 2011” before the period at the end.

The SPEAKER pro tempore (during the reading). Without objection, the Clerk will dispense with the reading.

Mr. PALLONE. Mr. Speaker, if I could just reserve. My concern at this point is whether or not the legislation before us, as amended, with the amendment the chairman just mentioned, is in fact the version that I have that is timed at 12:50 a.m.

The SPEAKER pro tempore. Will the gentleman from Texas answer that?

Mr. BARTON of Texas. My understanding is the version they have is the version the Clerk has, the 12:50 a.m. version.

Mr. PALLONE. The 12:50 a.m. is the amendment that you just asked us to consider?

Mr. BARTON of Texas. Yes, sir.

Mr. PALLONE. All right. Thank you. I have no objection.

The SPEAKER pro tempore. The gentleman withdraws his reservation.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PANDEMIC AND ALL-HAZARDS PREPAREDNESS ACT

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 3678) to amend the Public Health Service Act with respect to public health security and all-hazards preparedness and response, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3678

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 “Pandemic and All-Hazards Preparedness Act”.

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

Sec. 1. Short title; table of contents.

TITLE I—NATIONAL PREPAREDNESS AND RESPONSE, LEADERSHIP, ORGANIZATION, AND PLANNING

Sec. 101. Public health and medical preparedness and response functions of the Secretary of Health and Human Services.

Sec. 102. Assistant Secretary for Preparedness and Response.

Sec. 103. National Health Security Strategy.

TITLE II—PUBLIC HEALTH SECURITY PREPAREDNESS

Sec. 201. Improving State and local public health security.

Sec. 202. Using information technology to improve situational awareness in public health emergencies.

Sec. 203. Public health workforce enhancements.

Sec. 204. Vaccine tracking and distribution.

Sec. 205. National Science Advisory Board for Biosecurity.

Sec. 206. Revitalization of Commissioned Corps.

TITLE III—ALL-HAZARDS MEDICAL SURGE CAPACITY

Sec. 301. National disaster medical system.

Sec. 302. Enhancing medical surge capacity.

Sec. 303. Encouraging health professional volunteers.

Sec. 304. Core education and training.

Sec. 305. Partnerships for State and regional hospital preparedness to improve surge capacity.

Sec. 306. Enhancing the role of the Department of Veterans Affairs.

TITLE IV—PANDEMIC AND BIODEFENSE VACCINE AND DRUG DEVELOPMENT

Sec. 401. Biomedical Advanced Research and Development Authority.

Sec. 402. National Biodefense Science Board.

Sec. 403. Clarification of countermeasures covered by Project BioShield.

Sec. 404. Technical assistance.

Sec. 405. Collaboration and coordination.

Sec. 406. Procurement.

TITLE I—NATIONAL PREPAREDNESS AND RESPONSE, LEADERSHIP, ORGANIZATION, AND PLANNING

SEC. 101. PUBLIC HEALTH AND MEDICAL PREPAREDNESS AND RESPONSE FUNCTIONS OF THE SECRETARY OF HEALTH AND HUMAN SERVICES.

Title XXVIII of the Public Health Service Act (42 U.S.C. 300hh-11 et seq.) is amended—

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

“TITLE XXVIII—NATIONAL ALL-HAZARDS PREPAREDNESS FOR PUBLIC HEALTH EMERGENCIES”;

and

(2) by amending subtitle A to read as follows:

“Subtitle A—National All-Hazards Preparedness and Response Planning, Coordinating, and Reporting

“SEC. 2801. PUBLIC HEALTH AND MEDICAL PREPAREDNESS AND RESPONSE FUNCTIONS.

“(a) IN GENERAL.—The Secretary of Health and Human Services shall lead all Federal public health and medical response to public health emergencies and incidents covered by the National Response Plan developed pursuant to section 502(6) of the Homeland Security Act of 2002, or any successor plan.

“(b) INTERAGENCY AGREEMENT.—The Secretary, in collaboration with the Secretary