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House of Representatives

The House met at 9:30 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, in You there is no beginning, no end. You live in the ever-present moment: now. Before You, all human life is fragile and dependent. Limited by time and space, human nature changes very little, yet hopes and dreams expand. Often, the powerful of this world seem powerless and those who hunger for justice and thirst for peace increase in numbers.

Be with the Members of the United States House of Representatives as

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By order of the Joint Committee on Printing.

TRENT LOTT, *Chairman.*

NOTICE

If the 109th Congress, 2d Session, adjourns sine die on or before December 15, 2006, a final issue of the *Congressional Record* for the 109th Congress, 2d Session, will be published on Wednesday, December 27, 2006, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Wednesday, December 27. The final issue will be dated Wednesday, December 27, 2006, and will be delivered on Thursday, December 28, 2006.

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TRENT LOTT, *Chairman.*

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

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

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they approach these last hours of the 109th Congress. Pressured by the complexity of today's society and limited by constitution and human capability, they have regularly turned to You to help foster the American dream and enact laws and policies for the American people and our neighbors on Earth. You have not failed them in their compromises. You have counseled them in dealing with mistrust and reconciled differences in the search for the common good.

Called to lead Your freed people is not always easy. Popular understanding for decisions cannot be the guide, only world history can adequately measure and ultimately, You alone, Lord God, can offer judgment.

Lord, bless the accomplishments, nurture the seeds which have been planted, reward justice with peace, heal all blindness and paralysis, and supply compensation for all our deficiencies. Reward and bless J. DENNIS HASTERT for his public service as Speaker of this House. For not to us, O Lord, not to us, but to You, Lord God, be the glory, honor, power, and thanksgiving now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. CHABOT led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain five 1-minute speeches on each side.

SUNSET ON THE BORDER

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

Mr. POE. Mr. Speaker, as the sun sets on the 109th Congress today, the sun is also setting in the Southwest at a border unguarded from illegal entry, open for settlement and incursion. Our government has voiced empty words of border security and protecting our Nation from foreign invasion.

Much like the Empire of Rome in 364 A.D., when the Goths encroached into Roman lands, there were not enough border security agents to keep them out. They were not required to assimilate into the Roman culture. The Romans did nothing. Blind to Goth occupation, Rome created its own downfall and disappearance as a Nation.

Inability to protect borders and keep intruders out has led to the extermination of civilizations throughout history. Our government has failed with empty, meaningless political promises to protect the American people from border invasions.

Mr. Speaker, Americans are tired of the hollow, hapless words. They are demanding secure borders to keep our Nation sovereign. It is the moral responsibility of this Nation to protect its citizens from invasion, to secure its borders from foreign invaders, before we become another Rome and pass smoldering into the ash heap of historical insignificance.

All the while the sun sets in the Southwest. And that's just the way it is.

HONORING CONGRESSMAN LANE EVANS

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

Mr. HONDA. Mr. Speaker, I rise today to honor the service and achievements of my dear friend LANE EVANS. LANE EVANS is a hero who has tirelessly fought to provide just for over 200,000 ''comfort women'' who were forced into sex slavery by the Japanese Imperial Army during World War II. He has been a voice for those voiceless women who are still holding out hope that they will receive a formal apology from the Japanese Government for the indignities they have suffered.

I want to assure LANE that I will do my best to continue his work and legacy on this issue after his retirement this year. He has personally inspired me, and I look forward to seeking the justice the ''comfort women'' deserve, knowing that LANE EVANS blazed much of the trail.

Mr. Speaker, for his leadership, mentorship and companionship, for his work on behalf of those who would have otherwise been forgotten, and for his unparalleled work these past 24 years, I will not forget LANE.

LANE, Semper Fi.

LASALLE, MT. NOTRE DAME MAKE CHAMPIONSHIP RUNS, MERCY TAKES HOME RUNNER-UP

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

Mr. CHABOT. Mr. Speaker, today I would like to recognize the achievements of three exceptional high school teams from my district in Cincinnati, the volleyball teams from Mt. Notre Dame and Mother of Mercy High Schools, and the cross-country team from my alma mater, LaSalle High School.

On November 11, Mt. Notre Dame and Mother of Mercy battled for Ohio's Division I State volleyball championship. In the third and most important meeting of the season, Mt. Notre Dame emerged victorious. The victory marks Mt. Notre Dame's fifth State volleyball title. Mother of Mercy also gave a top-notch effort and finished an impressive second in the State.

The GCL also saw one of its own bring home a State championship when the LaSalle Lancers' cross-country team sprinted to their second consecutive State title.

It gives me great pride to acknowledge the achievement of these exceptional young men and women, and their coaches and parents and fans and teachers and administrators. It is important to point out that while these schools enjoy tremendous success in athletics, they also have a tradition of academic excellence, and they should be equally proud of that accomplishment.

Congratulations again to Mt. Notre Dame and Mother of Mercy, and my alma mater, LaSalle.

BRING THE TROOPS HOME NOW

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

Mr. KUCINICH. The American people made clear on November 7 that they demand a new direction in Iraq: Out. Bring the troops home. Just 1 month later, they have their answer. President Bush will not bring the troops home.

The Iraq Study Group report does not recommend bringing the troops home and ending the occupation. Read the fine print of the report. Only Congress can bring the troops home and keep faith with the American people.

The money is there. Just 2 months ago, we appropriated $70 billion for the war. That money should be used to start bringing the troops home now. If Congress gives the President another $130 billion in the spring to keep the war going, we will then be directly responsible for the casualties.

Why won't we take responsibility for bringing the troops home? The money is there now to bring the troops home. The American people voted for a new Congress to bring the troops home. We cannot say we are against the war and vote to fund it. We cannot say we are for the troops and vote to keep them in Iraq when the money is there to bring them home now.

IN MEMORY OF DR. GEORGE MEETZE

(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. Madam Speaker, I rise today in memory of Dr. George Meetze of Columbia,

South Carolina. Dr. Meetze passed away on Thanksgiving Day after a brief illness.

During his 97 years, Dr. Meetze touched numerous lives. I had the honor of working with him during the 17 years I served in South Carolina's State Senate. Dr. Meetze was elected chaplain of the South Carolina Senate in January 1950 and served until his death. His 57 years of service make him the longest-serving chaplain of a legislative body in the history of our Nation.

Dr. Meetze spent his life in service to others, honorably working for his God, his community, and his country. He was a colonel and chief chaplain in the South Carolina State Guard, a past president of the South Carolina American Cancer Society, and a faithful member of St. Paul's Lutheran Church.

Dr. Meetze was a loving husband, father and grandfather. He will be greatly missed by all who knew him.

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

CONGRATULATING THE 2006 UNC WOMEN'S SOCCER TEAM

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

Mr. PRICE of North Carolina. Madam Speaker, I rise today to celebrate an accomplishment for which my constituents and all North Carolinians have tremendous pride. The 2006 Lady Tarheels of the University of North Carolina have just claimed their 19th Women's Soccer National Championship, beating the Notre Dame Fighting Irish 2–1 in the title game last Sunday.

Under the leadership of Head Coach Anson Dorrance, Carolina women's Soccer has been the most dominant program in the history of college athletics, winning 18 of the last 25 national championships since the NCAA established the women's tournament.

The national title game capped off a stellar career for senior captain Heather O'Reilly, who was named the tournament's Most Outstanding Offensive Player, as well as for Carolina's other seniors. Junior Defender Robyn Gayle was named Most Outstanding Defense Player, and seven freshmen played for the Lady Tarheels in the game.

I also take great pride in the fact that the championship game took place in my district at the SAS Soccer Park in Cary. The sell-out crowd of more than 8,300 enthusiastic fans is a testament to the growing popularity of soccer in North Carolina and across the country.

So I extend my congratulations to the Lady Tarheels on their outstanding success, to a Notre Dame squad for a well-played tournament, and to the university community in Chapel Hill that has come to embrace women's soccer as one of its most precious gems.

Even the great Dean Smith, himself the winningest coach in college basketball history, once remarked: ''This is a women's soccer school. We're just trying to keep up with them.''

TRIBUTE TO J.B. HUNT, SR.

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

Mr. BOOZMAN. Madam Speaker, I rise today to honor the memory of a great Arkansan, a giant of American business who passed away yesterday morning, J.B. Hunt of Springdale, Arkansas.

He built a billion-dollar trucking business from humble beginnings, and in the span of a lifetime went from a sharecropper's son to the employer of over 16,000 people and a major force in shaping the economy of the Third District of Arkansas.

He donated to charities, he was very, very active in his church, and was known to carry $100 bills in case he ran across somebody who needed help immediately. When asked why, he explained, I was hungry once, a lesson we can all learn from.

I knew him when I was a young man, when he had absolutely no idea who I was; and I knew him when I was a young professional in my community, and later on as his Congressman. He was the kind of man that treated me the same in regard to all of those stations in life.

He was a wonderful man, and certainly our prayers are with him, his wife Johnelle, his family, and his company which lives the American Dream every day.

THE DO-NOTHING CONGRESS AND A NEW DIRECTION

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

Mr. PALLONE. Madam Speaker, the differences between this session of Congress and the one that will begin next month will be vast. In this tale of two Congresses, let us compare the current ''do-nothing'' Congress, led by the Republican Majority, and the upcoming Democratic New Direction Congress.

The Republican ''do-nothing'' Congress that ends this week has set abysmal records for the fewest number of days worked and for defeating numerous important bills, or simply not bringing them forth at all. Now they will adjourn for good at the end of this week, long before they need to, without passing a budget for 9 of the 11 appropriation bills. It is shameful, Madam Speaker, but fortunately it is about to change.

In January, when the Democratic Majority takes control of this body, we will immediately begin to pass legislation that will benefit working families all across our country. Democrats will raise the minimum wage, pass ethics reform, lower the price of higher education and prescription drugs, and repeal the needless tax breaks to big oil all within the first 100 hours of the next Congress.

Madam Speaker, Democrats will turn this do-nothing Congress into a body that works hard for all Americans.

HOMELAND AND BORDER SECURITY

(Ms. SEKULA GIBBS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SEKULA GIBBS. Madam Speaker, I rise today to discuss subjects of homeland security and border security as it relates to my District 22 in Texas, which is Houston, Sugar Land, and Clear Lake. That includes two distinct assets. One is Johnson Space Center, and one is Ellington Fields.

These two important assets require some additional funding that would have been discussed had the process allowed for a little more opportunity. But because of the lack of regular order, they may not be addressed in the continuing resolution that will be brought up either today or tomorrow.

On a positive note, there will be a Predator squadron placed at Ellington Field, but on a more concerning note, we may lose our F–16 jets, which provides excellent homeland security for petrochemical products that are made in our area, the Port of Houston, NASA, and the Texas Medical Center.

It is my hope that these two assets, both Johnson Space Center and Ellington Field, will be adequately funded in the very near future.

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WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mrs. CAPITO. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1102 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1102

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of December 8, 2006.

SEC. 2. It shall be in order at any time on the legislative day of December 8, 2006, for the Speaker to entertain motions that the House suspend the rules. The Speaker or his designee shall consult with the Minority Leader or her designee on the designation of any matter for consideration pursuant to this resolution.

The SPEAKER pro tempore (Ms. FOXX). The gentlewoman from West Virginia (Mrs. CAPITO) is recognized for 1 hour.

Mrs. CAPITO. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from California (Ms. MATSUI), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mrs. CAPITO asked and was given permission to revise and extend her remarks.)

Mrs. CAPITO. Madam Speaker, House Resolution 1102 waives clause 6(a) of rule XIII, requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee, against certain resolutions reported from the Rules Committee. The resolution applies the waiver to any special rule reported on this legislative day.

The rule also provides that suspensions will be in order at any time on the legislative day. The resolution also provides that the Speaker or his designee shall consult with the minority leader or her designee on any suspension considered under the rule.

Madam Speaker, we have before us this morning a simple rule that will allow for the consideration of important final measures that must be addressed before we adjourn sine die. Most important is the consideration of the continuing resolution, which will continue funding of the government until February of 2007.

Although I am disappointed this Congress was unable to complete its spending bills for fiscal year 2007, we must consider and pass this continuing resolution before we leave tonight. It is my hope that in future Congresses we can work together with the other body to ensure we finish the appropriating process on schedule and in a fiscally responsible manner.

This balanced rule provides the minority with the ability to consult with the Speaker on any suspension that is offered, ensuring that their input and views are duly considered before any legislation considered under this rule is brought to the floor. This rules also allows for consideration of special rules reported on this day.

We are nearing the end of our session, always a chaotic time, and this rule will allow the House to finish its business in a timely fashion. I now ask my colleagues to support this rule so that we may continue the work of the American people in a timely fashion today. Completing consideration of these suspensions and remaining bills ensures that we may accomplish as much as possible in the final days of this Congress, and I encourage my colleagues on both sides of the aisle to support this balanced rule.

Madam Speaker, I reserve the balance of my time.

Ms. MATSUI. Madam Speaker, I thank my good friend, the gentlewoman from West Virginia, for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

(Ms. MATSUI asked and was given permission to revise and extend her remarks.)

Ms. MATSUI. Madam Speaker, it is disappointing we are adjourning after passing only 2 of the 13 appropriation bills that fund the Federal Government. We should have done better, and clearly we could have done better. Instead, we are leaving this year's unfinished business to the next Congress. That is far from the ideal way of handling our constitutional responsibilities.

Nonetheless, that is a reality, and we will deal with it as such when Congress returns next year under new leadership. But the American people should be assured that such a turn of events will not alter the focus of the next Congress. We will remain focused on the critical priorities of American families, priorities that were made clear in the recent election: a sensible energy policy, affordable health care for working families, reforming prescription drug benefits, honest wages for honest work, increasing homeland security, and responsible oversight of and a change in direction of our policy in Iraq.

I hope those issues will be addressed next year in a bipartisan manner, with open debate and a focus on concrete results for the American people.

The time to deal with those will come soon. The problem before us now is that the Federal Government shuts down at midnight tonight unless we invoke martial law under this rule. It concludes the 109th Congress on a less than satisfactory note, but it is nonetheless necessary.

Madam Speaker, I yield back the balance of my time.

Mrs. CAPITO. Madam Speaker, I have no further speakers, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 5682, HENRY J. HYDE U.S.-INDIA PEACEFUL ATOMIC ENERGY COOPERATION ACT OF 2006

Mr. BISHOP of Utah. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1101 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1101

Resolved, That upon the adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 5682) to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Utah (Mr. BISHOP) is recognized for 1 hour.

Mr. BISHOP of Utah. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. BISHOP of Utah asked and was given permission to revise and extend his remarks.)

Mr. BISHOP of Utah. Madam Speaker, House Resolution 1101 allows for consideration of the conference report on House Resolution 5682, the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006. It provides for a closed rule with 1 hour general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. It waives all points of order against the conference report and against its consideration, and it provides that the conference report shall be considered as read.

The underlying bill is not only an excellent bipartisan bill, but also a tribute to the skill and wisdom of one of the body's most distinguished and respected representatives, the Honorable HENRY HYDE, Chairman of the House Committee on International Relations, a representative from Illinois's Sixth Congressional District for the last 32 years.

It is fitting that this underlying bill is named after Chairman HYDE, in recognition for his long and faithful service and commitment to American ideals as well as nonproliferation activities. Yesterday we had many people pay their respect to this great man, and this is a fitting conclusion with this bill today.

I would also be remiss if I did not also thank the ranking member, Representative LANTOS of California, for his repeated efforts and his strong efforts in pushing this legislation forward and the hard work he also put in, in a dedicated and respected manner, to come up with a truly bipartisan bill and a bipartisan conference report.

We should also thank the conferees for their efforts to come in here with a conference report that is focused, that is clean, that is direct and without extraneous materials added to it. It is one that actually goes to the heart of the issue in a very direct report and is a very good conference report.

To the substance of the bill, which was passed on July 26 of this year by an overwhelming majority, with 359 of our colleagues supporting the bill, it contained a myriad of important measures, beginning with a Sense of Congress Resolution that the preventing of proliferation of nuclear weapons and other weapons of mass destruction, the means to produce them, and the means to deliver them are critical objectives

of United States foreign policy, and that sustaining the Nuclear Nonproliferation Treaty and strengthening its implementation, particularly its verification and compliance, is the keystone of the United States' nonproliferation policy.

We live in an uncertain world where any number of demagogues would pay any price to obtain the technology to inflict pain and suffering on the world's inhabitants.

□ 1000

Because of that it is important that India's commitment to nuclear nonproliferation and America's commitment is the same, and it makes the world a safer place.

This bill, with additions added by the Senate, and one of those unique elements actually strengthens the overall bill itself. It provides for the administration to report to Congress of its activities in forwarding this particular agreement. It provides for an affirmative response by Congress to that agreement that is there. And it provides for greater control on nonproliferation efforts between both of our countries in this very uncomfortable and unstable world.

I have to commend Chairman HYDE, Ranking Member LANTOS, the entire conference committee that did a wonderful job, excellent work with this particular committee report.

With that, I urge adoption of the rule and the underlying legislation.

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

Mr. MCGOVERN. Madam Speaker, I want to thank my colleague from Utah (Mr. BISHOP) for yielding me the time, and yield myself such time as I may consume.

Madam Speaker, I rise today in support of the U.S.-India Nuclear Cooperation Promotion Act. I, too, want to commend Chairman HYDE and Ranking Member LANTOS and the members of International Relations Committee for their work on this. This conference report that comes before us has been signed by all of the conferees, the process has been good, and I support the rule.

Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Madam Speaker, I thank my colleague from Massachusetts for yielding me time.

Madam Speaker, I rise in support of the rule and in strong support of the U.S.-India Nuclear deal conference report. I would like to thank Chairman HYDE and incoming Chairman LANTOS for their hard work to help ensure passage of this bill after the agreement was announced. I would also like to thank the House and Senate conferees who negotiated throughout the night to reconcile differences and reach a compromise.

The U.S. has an important strategic partnership with India, and this civilian nuclear cooperation deal is a critical component to a continued successful partnership. The agreement strengthens energy security for the U.S. and India, and promotes the development of stable and efficient energy markets in India to ensure adequate and affordable supplies.

This deal is also the foundation of a promising U.S.-India alliance that will serve as a defense against terrorism and nuclear proliferation. The U.S. has an important stake in ensuring regional stability in South Asia, even as Pakistan continues to produce and test nuclear weapons without proper safeguards.

With the rising power of Communist China in the region and Osama bin Laden continuing to hide in Afghanistan or Pakistan, we need India as our strategic ally. The bill before us today has a new policy that will solidify the U.S.-India bilateral relationship. India has been a responsible nuclear power and deserves to be treated that way.

I urge my colleagues to vote ''yes'' on both the rule and the conference report.

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

Mr. MCGOVERN. Madam Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Madam Speaker, I rise to express my concern about the impact that this agreement will have on the state of nonproliferation in the world. The United States has not had a nonproliferation policy, per se. As a matter of fact, if we look at the administration, this administration has moved to build new nuclear weapons called bunker busters. They have moved to discourage efforts at nuclear disarmament. They have, in the first days of their administration, canceled the antiballistic treaty with Russia. This administration does not have a commitment to nonproliferation, and the world knows that.

Iran knows that. That is why it is very difficult for us to be able to simultaneously discourage Iran from acquiring nuclear technology, and at the same time speak to the imperative of a bilateral progress with India.

The United States has to have a consistent policy with respect to nuclear nonproliferation. This country cannot speak out of one side of its mouth and tell Iran and North Korea, don't you dare go in that direction, don't you dare try to acquire nuclear technology, because we cannot see whether you can separate civilian and military, and on the other hand give a blessing to that same kind of an arrangement with a country that, yes, we have a great relationship with; yes, it is the longest and the oldest democracy in the world; yes, there is a lot to be said about the people in the Indian Government being responsible people.

My point here is not in any way to diminish the role that India has in trying to develop social and technological progress in the world, but it is to speak to our responsibility as citizens of the United States to ask: What is the impact of any agreement that we have with India on the rest of the world?

And I would say that with this administration not being willing to talk to Iran with respect to Iran's nuclear ambitions, with this administration not being ready to talk to North Korea with respect to North Korea's nuclear ambitions, this is a dangerous time to be approving such an agreement, because it will be seen as a license to other countries which have nuclear ambitions to proceed whether they are talking to the United States or not.

The imperative of the Nuclear Nonproliferation Treaty at its inception was not to manage proliferation, but it was to do away with all nuclear weapons. Read the treaty. We are at a moment in human history where we have not found a way to be able to resolve our differences without war.

Witness the failed policies of this administration with respect to Iraq. Iraq did not have weapons of mass destruction, but we chose to attract Iraq anyway. Policies of unilateralism, of first strike breed the same kind of policies around the world.

It is premature for us to be promoting an agreement with India when we have not shown the capacity as a Nation to take a direction which prizes diplomacy, which shows that we can use the science of human relations to be able to avert conflict. We have to show a capacity to demonstrate that war is not inevitable; we have not done that.

And so when we are on the threshold of approving a new nuclear agreement with India, notwithstanding our good relations with that country, we cannot do that without looking at the impact that will have on the rest of the world.

Mr. BISHOP of Utah. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, without speaking to the merits of the allegations made by gentleman from Ohio, he should indeed be happy with this particular resolution and conference report coming to us. For not only does it take the country of India that did not sign the Nuclear Nonproliferation Treaty and provide that both the United States and India will work together to try and combine ourselves so we are working within the parameters of that treaty, it also provides for the administration to present any results of their negotiation back to Congress, and forcing Congress to actually take an affirmative approach ''yea'' or ''nay'' on the results of those negotiations, which once again will allow all Members of Congress to again have some kind of say in the ultimate process.

I also appreciate once again what the conferees did with this report in trying to narrow the focus down to the specifics of how the United States and India deal together in separating civilian and military uses of this new type of energy, and not trying to expand it into other areas which may indeed

make the process much more complex and the questions much more difficult to answer.

Madam Speaker, this once again is a very clean, specific and focused conference report.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I yield 5 minutes to the distinguished gentleman from Oregon (Mr. WU).

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

Mr. WU. Madam Speaker, I rise in strong opposition to the rule and the underlying legislation. When I was a child, this country sold F–15s to Iran so that Iran could be our offset to Soviet power in South Asia. And because we sold F–15s and other arms to Iran, we wound up selling chemical weapon precursor materials to Iraq to offset Iranian power in the Middle East, and today we have 135,000 troops in Iraq, in part, because of those unwise decisions.

Now, we are told that we should sell nuclear materials to India, which would free up Indian nuclear reactors to produce many more nuclear weapons for the Indian nuclear weapons program as an offset to Chinese power in Asia.

If we approved this deal with India, it would encourage China to increase its nuclear arsenal, and I submit to you that we, that we are one of the potential targets of that enhanced Chinese nuclear arsenal.

Even more worrisome is that an Indian nuclear build-up would further accelerate the Pakistani nuclear build-up. While I have strong confidence in the stability of the Indian Government and in the stability of Indian democracy, I have much, much less faith in the stability of the Pakistani Government and of Pakistani democracy, and of the Pakistani Government's ability to keep under control those nuclear weapons which it already has and the additional weapons it would build because of an Indian nuclear build-up.

If there is a military coup in Pakistan, we should be very, very concerned about the stability of not only South Asia, but of the world. There have been three military coups in Pakistan since its independence in 1947. Rather than approving nonsignatory states like India in violation of nonproliferation treaties, the better course of action is to respect international agreements and immediately bring to the Senate a total ban on nuclear testing and a comprehensive set of treaties to curtail nuclear proliferation.

Back in July, just this summer, there were only 68 of us in this Chamber who voted against approving the legislation to permit sales of nuclear materials to India. I ask more of my colleagues to join me today at this historic moment to prevent adding fuel to the fire of nuclear proliferation in South Asia. This legislation and the following sale of nuclear materials to India blows out of the water any hope we have of treaty constraints on the proliferation of nuclear weapons.

I want to make it clear for this record and for history that the actions of this administration in containing nuclear proliferation have been patently irresponsible. This administration has underfunded the Nunn-Lugar legislation which takes nuclear materials out of the open market which would otherwise be available for sale to terrorists. This administration has failed to support internal treaties limiting nuclear weapon proliferation, and now, and now it has proposed a treaty with India that would sell India nuclear materials, which would result in a nuclear arms race between India and China and between India and Pakistan.

Pakistan is not a stable country. It is already leaking nuclear weapons technology to other countries and groups. Let the RECORD show that if or when a mushroom cloud ever erupts over an American city, that event will be traced back to this unwise vote in the United States Senate and to the boneheaded policy of this administration toward treaty obligations, Nunn-Lugar, and the sale of nuclear materials to India.

Ladies and gentlemen, compared to this legislation, the authorization to go to war in Iraq was a piker. This is the moment to pull back from the brink of a new nuclear arms race.

□ 1015

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

Mr. HASTINGS of Florida. Madam Speaker, how much time remains on each side?

The SPEAKER pro tempore. Twenty minutes.

Mr. HASTINGS of Florida. Madam Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the gentleman from Florida for yielding me time.

Madam Speaker, it is with great respect for my good friends I consider this conference report the right start in the face of challenge of nuclear nonproliferation. It is a start. And even though this conference report allows a relationship with India and the United States to pursue civilian nuclear research and investment, this is not the final stop.

There is a responsibility that there is an agreement with the IAEA that the Indian Government must assure that their purposes are for civilian purposes only. We do need to continue the friendship between India, the United States, and Pakistan. And I would much rather affirm the fact that there are two governments who are allies of the United States in the South Asia region, India and Pakistan, and to include both of those countries in our discussions in the war against terror, and as well the isolation of Iran and certainly the resolution in Iraq.

To do so we must show the respect and the friendship that India has shown to us. And so this is an important step.

I might say that this conference report ensures that safeguards in the agreements between India and the International Atomic Energy Agency is finalized before the President can exempt India from certain legal restrictions.

It also provides for end-use monitoring of U.S. exports to India, and as well it strengthens the Nuclear Supplier Group, the group of countries that try to stem nuclear nonproliferation around the world. It helps us, in fact, by having India in the family of nonproliferation, but also having civilian use.

Madam Speaker, I am also glad that my amendment stayed in that I offered in the House, remained in the conference report. And that amendment particularly talks about the fact that there are two important countries in South Asia, and that is India and Pakistan, and that relationships should continue with both of them.

Madam Speaker, this is, in fact, the right start. There is a second chance, and that second chance is the atomic energy agency. We do have the opportunity to maintain our friendship, to pass this legislation, to allow India to do its research in civilian nonproliferation nuclear use, and at the same time provide a buffer for those countries who refuse to adhere to international guidelines. India has shown itself a democracy, shown itself to be a friend, and I would encourage that this conference report be a roadmap, if you will, for ensuring the friendship of the United States with India and Pakistan, and at the same time recognizing the longstanding democracy that India has been.

I believe it is a good step. I think it is a first step. I think that we have the checks and balances that would support the idea that we are not promoting the proliferation of nuclear use; we are helping to provide for the safe nonproliferation use of nuclear devices, particularly in the civilian area.

I thank the Gentleman for yielding, I thank the Rules Committee for making consideration of the conference report to accompany H.R. 5682, the "United States and India Nuclear Cooperation Promotion Act of 2006" in order.

Madam Speaker, the United States' relationship with India and Pakistan is of paramount importance to our nation's political and economic future. With the receding of the Cold War's global divisions and the new realities of globalization and trans-national terrorism, we have embarked on a new era of promise, possibility and uncertainty. This means the United States, the world's only superpower, bears an especially heavy responsibility to remain engaged in all regions of the world, with all nation-states. It is in the national interest for the United States to continue our policy of engagement, collaboration, and exchange which has served the nation well in the past, particularly in the South Asia region.

It is important that we are considering this conference report today. I also want to thank my colleagues for adopting my amendment to H.R. 5682. My bipartisan amendment, which was endorsed and co-sponsored by Congressman BURTON, and which was not opposed by either the Majority or Minority of the Committee on International Relations, simply states that the "South Asia region is so important that the United States should continue its policy of engagement, collaboration, and exchanges with and between India and Pakistan."

Peaceful nuclear cooperation with India can serve multiple U.S. foreign policy objectives so long as it is undertaken in a manner that minimizes potential risks to the nonproliferation regime. This will be best achieved by sustained and active engagement and cooperation between India and the United States.

Similarly, Pakistan has been a critical ally in the global war on terror. Pakistan has been a good friend to the people of the United States. Although H.R. 5682 signals no change in this country's relationship with Pakistan, it is not difficult to understand why it may give pause to some supporters of Pakistan. This is another reason why it is vital for the United States to continue to engage both Pakistan and India in ongoing political engagement, economic and technological collaborations, and personal exchanges, which will bring the United States closer to these two vitally important democracies in the South Asia region and will bring India and Pakistan closer to each other.

I support this Rule, this Bill with my Amendment, and this Conference Report. I urge my colleagues to do the same.

Mr. BISHOP of Utah. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I commend the gentlewoman from Texas for her very articulate expression of what this resolution and this conference report does indeed do, and refocusing the debate on the specifics that brought an unusual harmony together from both sides of the aisle and to a specific report and specific conference report that is here.

Madam Speaker, I reserve the balance.

Mr. HASTINGS of Florida. Madam Speaker, I yield 8½ minutes to the gentleman from Massachusetts (Mr. MARKEY), who has been a leader in this area for some time here in the Congress.

Mr. MARKEY. Madam Speaker, I thank the gentleman very much for yielding me time.

This bill that we are considering is an historic mistake, a mistake which will come back to haunt the United States and the world. India has refused to sign the Nuclear Nonproliferation Treaty. Iran is a signatory to the Nuclear Nonproliferation Treaty.

We are asking the U.N. to isolate Iran, to force it to comply with its signature on the Nuclear Nonproliferation Treaty, not to use civilian nuclear materials in order to create a military nuclear weapon.

What are we doing here today? We are saying to India, you do not have to abide by the Nuclear Nonproliferation Treaty at all. You never signed it, we put it on the books because of India, we know that it created an arms race with Pakistan, and instead of enforcing our own law, our own law, we are now out here going to carve out an exception.

Now, what do the experts say? Well, the experts say that India produces approximately seven nuclear bombs per year, but they have a limited amount of nuclear material. What are we doing? We are going to provide the nuclear materials for their civilian nuclear program so that it will free up their domestic nuclear materials for their weapons program.

What do the experts say? The experts say that is going to increase India's capacity to make nuclear weapons to 40 to 50 nuclear bombs per year. Now, people here say, well, that is fine. Why worry about it? India is a country that we trust. Well, you know who does not trust India? I will tell you who does not trust India: Pakistan does not trust India. Pakistan, the home of al-Qaeda. Pakistan, the home of A.Q. Khan, the nuclear Pied Piper, the nuclear Johnny Appleseed, who spread nuclear weapons material across the world.

Here is what we have learned now: We have learned that Pakistan is constructing its own nuclear weapons manufacturing facility that will increase their capacity from 2 to 3 nuclear bombs per year to 40 to 50 nuclear bombs per year.

Now, the Bush administration, as we all know, has already made a mess of our nuclear nonproliferation policy in North Korea, a mess of our nuclear nonproliferation policy in Iraq, a mess of our nuclear nonproliferation policy in Iran. And the world is now looking at us. Pakistan is looking at us. Iran is looking at us. North Korea, Venezuela, Saudi Arabia, Egypt. How will we handle this challenge on the Asian subcontinent? The answer: We are just going to do away with the Nuclear Nonproliferation Treaty, because that is what this vote will be on the House floor today.

We are just basically saying: It is all over. The rest of the world will not listen to us again. The consequences, the domino effect, the nuclear weapons domino effect begins here, ladies and gentlemen. It begins today. It begins with a policy that says that it is not enough for the United States to have high-tech commerce with India, to have outsourcing of our jobs to India, to have massive increases in diplomatic relations and dozens of other areas with India. No, as a gesture of our friendship with India, we are going to gut our own nuclear nonproliferation policy.

Now, back in the debates of 2004, there was really only one thing that George Bush and JOHN KERRY agreed upon, and that was that the most important issue in the world was nuclear nonproliferation. And here we are on the last day of the Republican era in the United States Congress gutting the most important policy, the policy which has kept the reins imperfectly but significantly on the spread of nuclear weapons over the last generation.

And this is in a way almost the exclamation point on the end of this Republican era, on the Bush administration's efforts to control nuclear weapons. This era will be looked back at as the era where the Bush administration and the Republicans in this Congress said: Anything goes. Anything for trade with India. When asked, we will surrender our nuclear nonproliferation policy.

Pakistan is now in a massive escalation of its nuclear weapons program. Al-Qaeda is headquartered in Pakistan. A.Q. Khan lives in Pakistan in a palace, still not under arrest, still not in prison, his people who helped to spread these nuclear weapons still walking the streets of Pakistan. What kind of administration do we have that instead of saying, we are going to put together a conference that deals with that issue which will threaten us here in the United States, because these materials will escalate massively in the Asian subcontinent.

This is in many ways comical. I mean, it really is comical. We are going to debate the end of the nuclear nonproliferation regime in the United States for an hour on the last day of Congress. It is comical. I am scraping here to get an extra minute out of this paltry amount of time to debate what the consequences are of what we are doing. And so, yeah, this is a going-away present to the Bush administration. There has been such a mismanagement of the nuclear nonproliferation policy over these last 6 years that this probably does represent, in a crazy kind of a way, you know, the final statement.

But I will tell you, we are going to come back and we will rue this day, because the Pakistanis and the Iranians, they are not going to sit on their hands and allow this to happen. They are going to look at us and they are going to say: These Americans, they preach temperance from a bar stool. They are going to say that this is an era of historic hypocrisy, where the United States expects the rest of the world to listen to us when we tell them that they should not pursue nuclear weapons, while we selectively grant exceptions to countries that never signed the Nuclear Nonproliferation Treaty in the first place.

It is a nonsustainable policy. It will come back to haunt us, not today, not tomorrow, but there will be a day in 5 years or 10 years when everyone here today will be able to point back to this moment and say that is the day the historic mistake was made.

Madam Speaker, I rise in strong opposition to this conference report.

For over three decades it has been the policy of the United States to restrict nuclear trade with India. Why? Because in 1974 India violated its pledges to the United States and Canada to use American and Canadian nuclear technologies only for peaceful purposes.

Instead, India used our technology to develop and explode a nuclear bomb.

Despite that history, despite the refusal of India to sign the Nuclear Nonproliferation Treaty or to honor its contractual obligations to the United States, this Administration has now undertaken to ignore the past and to ask Congress to approve legislation that will, according to nonproliferation experts from across the political spectrum, enhance India's nuclear bomb-making capacity from 7 bombs a year to over 40 bombs a year.

This is exactly the reverse of what we should be doing if we are serious about reducing the spread of nuclear weapons in the world. In fact, it was India's blatant misuse of peaceful American nuclear technologies for a weapons program that prompted the Congress to radically strengthen our nonproliferation laws. And when we were done with that, we went to our allies and established new international guidelines to prevent any other country from doing what India had done: misusing imported nuclear technologies for a secret weapons program. And now, in an act fraught with hypocrisy, irony, and hubris, the Congress will approve a sweeping exception from our nonproliferation laws for the very country that prompted us to strengthen those laws.

I fully support strengthening American ties with India on trade, high-tech, military cooperation, and so many other issues, but why do we need to gut our nonproliferation laws at the same time? The simple fact is that we DON'T have to gut our nonproliferation laws in order to improve our relationship with India, but the President took us into the nuclear Twilight Zone, instead.

During the Conference, the Bush Administration, reportedly at New Delhi's urging, tried to strip out the few good nonproliferation provisions that the Congress inserted into what is a deeply flawed piece of legislation.

Last week, Secretary of State Condoleezza Rice wrote a letter asking Congress to remove a requirement that India help us prevent Iran from going nuclear. I don't know what the administration was thinking, telling the Congress that we can't ask for India's help on Iran's nuclear program.

I want to thank the gentleman from California (Mr. LANTOS) for fighting to ensure that at least an ongoing assessment of India's cooperation with U.S. and international efforts to curb Iran's nuclear ambitions be performed, both at the time that the formal nuclear cooperation agreement is submitted to Congress and every year thereafter. While the Gentleman and I may disagree on the underlying legislation, I appreciate his efforts, and those of Chairman HYDE, to try to address this issue and to try to mitigate some of the damage that this agreement may do to our nation's nuclear nonproliferation policies.

But the bottom line is that under the President's plan to fuel India's nuclear power reactors, we're going to free up their nuclear material for weapons. And just this summer, we learned that India's arch-rival Pakistan is building a huge new reactor to make nuclear bomb material.

There's a nuclear arms race on in South Asia, and the United States is about to become an accomplice to this arms race.

If we want the rest of the world to stop fueling the proliferation of new nuclear weapons, we had better stop throwing gasoline on the fire ourselves. The India Nuclear Deal is bad for U.S. security. It undermines U.S. nuclear nonproliferation efforts around the world, and it risks fueling an accelerated nuclear arms race in South Asia.

Madam Speaker, this is a watershed moment for the world. If the United States goes soft on nuclear weapons proliferation, the entire world will go soft. Countries which in good faith abstained from nuclear weapons development will have a green light to go ahead following the India-U.S. model. In my view, this is a prelude to catastrophe. I cannot imagine that the House will ever again confront a vote that is so central to our leadership, our standing, our moral authority on the issue of stopping the spread of nuclear weapons. I urge my colleagues to vote against this Conference Report.

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

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of The U.S.-India Nuclear Cooperation Promotion Act. As Chairman HENRY HYDE said earlier in the year in the House Rules Committee, this is the single most important piece of legislation that has come through the International Relations Committee this year and we must do everything in our power to pass it today.

India, the world's largest democracy, and the United States, the world's oldest democracy, must come together and strengthen their friendship. After centuries of an unsteady relationship, there has been a dramatic improvement starting with the Clinton Administration and continuing today.

This bill tells India that we believe in them, and that we want to support them just like they have consistently supported us.

The Civilian Nuclear Initiative will deepen the U.S.-India Strategic Partnership. The initiative reflects U.S. trust in India as a global tactical partner and indicates our admiration for India's democratic traditions, her commitment to tolerance and her commitment to freedom.

I, as well as many of our colleagues, have had the great pleasure of traveling to the country of India on several different occasions. Any person who goes to India recognizes the crucial necessity of clean.

This legislation will provide production of clean energy and can potentially reduce further pollution on the environment through decreasing the dependency on fossil fuels. Civil nuclear cooperation is vital to the development of a clean and safe environment for our Indian friends.

As our distinguished colleague and incoming Chairman TOM LANTOS said in July and no doubt will repeat shortly, India is a nuclear nonproliferator. India has pledged to identify and separate her civil and military nuclear facilities and programs and place the civil portions under IAEA safeguards.

India, America's strongest ally in the Southeast Asia region, is on the verge of an energy crisis. India is the sixth largest energy consumer in the world, but in order to maintain their strong economic growth, India's energy consumption will need to increase substantially.

The facts are astounding, and civilian nuclear cooperation is the only way India's energy can remain secure.

I urge my colleagues to vote for the rule and the underlying bill.

Madam Speaker, I yield back the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I yield myself the balance of our time.

Madam Speaker, in closing, I would like to urge Members' support of the rule, providing for the consideration of the conference report for this particular piece of legislation. It is a bipartisan bill. It was based in a bipartisan and bicameral fashion, which is a unique combination we have.

It is a nice, harmonious way to actually end this particular session of Congress on something that does move us forward when you focus in on what the bill is actually about, and the issues that are actually handled in this particular report.

Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. KUCINICH. 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 X, further proceedings on this question will be postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the house is requested, bills of the House of the following titles:

H.R. 482. An act to provide for a land exchange involving Federal lands in the Lincoln National Forest in the State of New Mexico, and for other purposes.

H.R. 486. An act to provide for a land exchange involving private land and Bureau of Land Management land in the vicinity of Holloman Air Force Base, New Mexico, for the purpose of removing private land from the required safety zone surrounding munitions storage bunkers at Holloman Air Force Base.

The message also announced that the Senate has passed bills and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 997. An act to direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge National Forest, Montana, to Jefferson County, Montana, for use as a cemetery.

S. 1529. An act to provide for the conveyance of certain Federal land in the city of Yuma, Arizona.

S. 1535. An act to amend the Cheyenne River Sioux Tribe Equitable Compensation Act to provide compensation to members of the Cheyenne River Sioux Tribe for damage resulting from the Oahe Dam and Reservoir Project, and for other purposes.

S. 1548. An act to provide for the conveyance of certain Forest Service land to the city of Coffman Cove, Alaska.

S. 2030. An act to make permanent the authorization for watershed restoration and enhancement agreements.

S. 2054. An act to direct the Secretary of the Interior to conduct a study of water resources in the State of Vermont.

S. 2150. An act to direct the Secretary of Interior to convey certain Bureau of Land Management Land to the City of Eugene, Oregon.

S. 2205. An act to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes.

S. 2373. An act to provide for the sale of approximately 132 acres of public land to the City of Green River, Wyoming, at fair market value.

S. 2403. An act to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision, and for other purposes.

S. Con. Res. 123. Concurrent Resolution providing for correction to the enrollment of the bill H.R. 5946.

□ 1030

RELATING TO CONSIDERATION OF H.R. 6111, TAX RELIEF AND HEALTH CARE ACT OF 2006

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1099 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1099

Resolved, That upon the adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 6111) to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chairman of the Committee on Ways and Means or his designee that the House concur in the Senate amendment with the amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to its adoption without intervening motion except one motion to amend, which shall be separately debatable for five minutes by the proponent and five minutes by an opponent.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 1099 provides for the disposition of the Senate amendment to H.R. 6111. It makes in order a motion by the chairman of the Committee on Ways and Means to concur in the Senate amendment with the amendment printed in the Rules Committee report accompanying this resolution. This resolution waives all points of order against the motion and it provides 1 hour of debate on the motion, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. Finally, it provides one motion to amend which shall be separately debatable for 5 minutes by the proponent and 5 minutes by an opponent.

Madam Speaker, I rise today in support of House Resolution 1099 and the underlying bill, H.R. 6111, which is entitled the Tax Relief and Health Care Act of 2006. Madam Speaker, I also rise today for what will likely be my last time managing a rule, at least perhaps until the 111th Congress. I would like to briefly take this opportunity to thank Speaker HASTERT for allowing me to serve on this prestigious Rules Committee and also I would like to thank Chairman DREIER for his stewardship of the committee in addition to the committee staff who have been there each and every step of the way to assist me and my staff. It has truly been an honor to serve with my colleagues on the Rules Committee and I feel blessed for having had this opportunity to work with all the members, Republicans and Democrats, of this great committee.

Madam Speaker, from the extension of expiring tax credits and the strengthening of health savings accounts, to the exploration of the Outer Continental Shelf and an increase in payments for physician services, this bill provides the Congress with an opportunity to debate and pass a vast array of good policy initiatives. I know there are some who do not agree with the legislative agenda in the closing days of the 109th Congress. Indeed, most on the other side of the aisle have opposed the majority agenda every step of the way, perhaps so they could use the soundbite that this is a do-nothing Congress. However, the Tax Relief and Health Care Act of 2006 is a crucial piece of legislation that must be passed for the sake of taxpayers and their families.

This bill demonstrates our commitment to returning more money to the taxpayers on top of creating more incentives for economic growth, innovation and entrepreneurship. Madam Speaker, at the end of last year and at the close of this current year, many important tax provisions and incentives will expire, thereby forcing hardworking Americans and their families to shell out more of their hard-earned money to the Federal Government. This bill will extend these expiring provisions through 2007, and it demonstrates our commitment to the American taxpayer and our commitment to fostering entrepreneurship and economic growth.

Specifically, this bill provides teachers with an important and a well-deserved deduction for higher education expenses as well as a deduction for their out-of-pocket classroom expenditures on behalf of their pupils. Our teachers should not be punished by the Tax Code for investing in their students and improving the quality of education in the classroom.

Also, this bill strengthens our rural communities by extending a new markets tax credit to help foster new industries and diversify our local economies.

Additionally, the bill extends the State and local sales tax deduction. This is most important in those States which have no income tax to deduct, but they are burdened with very substantial sales tax levies.

Madam Speaker, this legislation also extends the research and development tax credit. Technological innovation is absolutely vital to America's continued economic growth and prosperity. Without investment in research and development, all innovation and growth would come to a screeching halt, with catastrophic effects on our economy as we continue the fight to try and compete globally. We must do everything that we can to help incentivize research and development so that we keep the United States a leader in business and technological innovation.

Additionally, this bill also extends the welfare-to-work tax credit and the work opportunity tax credit, creating more chances to put people to work and further reduce the Federal welfare rolls. Recognizing our need to reduce energy costs and maximize energy efficiency, this bill also extends various energy tax credits for energy efficient homes and businesses, for methanol and ethanol fuel, and for businesses that produce electricity from solar energy, fuel cells or microturbines.

Also, the underlying legislation provides for the exploration, the development and production activities for mineral resources in the OCS, Outer Continental Shelf. In February of 2006, the Department of Interior released a comprehensive inventory of OCS resources, estimating approximately 8.5 billion barrels of oil and 29.3 trillion cubic feet of natural gas.

Madam Speaker, the combination of energy-efficient tax incentives and increased domestic energy production are integral to reducing our dependence on foreign energy as well as finding new and cleaner ways to produce and use energy. I don't know whether the Iraqi Study Group included this as part of their 79 recommendations, but if they didn't, make this No. 80.

This bill also contains many important bipartisan health care provisions which represent the culmination of many hardworking hours spent by our committee chairs and our leadership on both sides of the aisle, in both chambers. The final product is one that communicates to the American people that Congress is dedicated to addressing the

problems in our health care delivery system.

First and foremost, this legislation reverses the scheduled 5.1 percent cut to physician's reimbursements for services rendered to Medicare beneficiaries. In 1997, Congress established this sustainable growth rate formula in an attempt to control part B utilization in the Medicare program by reducing physician fees. Unfortunately, the formula is so inherently flawed and it is estimated that physician reimbursement in the Medicare program will continue to decrease into the foreseeable future. In fact, MedPAC, the Medicare Payment Advisory Committee, has reported that physician payments are expected to be cut by a total of 37 percent over the next 9 years under this SGR formula. With the reality of the impending retirement of the baby boomer generation, the already strained Medicare program will reach a crisis state. By reversing this scheduled cut for one year, 2007, this legislation takes a step in the right direction to protect access to quality health care for our seniors. To state it simply, as a result of these changes, primary care and other physician specialists will be there when our seniors need them.

Madam Speaker, this legislation also includes very important and helpful revisions to current law in regards to health savings accounts. These changes are just another example of the forward-thinking ideas that are needed to reform our health care system. This bill provides more flexibility to individuals by allowing them to roll over assets from flexible health spending accounts and health reimbursement arrangements into health savings accounts.

Health savings accounts are growing in popularity among employers and employees, and when these accounts are coupled with a high deductible catastrophic health plan, they serve as an all-encompassing insurance solution for individuals of all ages and at all stages of life.

America's Health Insurance Plans conducted a study earlier this year that showed that over 30 percent of individuals enrolled in HSAs were previously uninsured. It also showed that one-third of purchasers had incomes of $50,000 or less. This really debunks the naysayers' claim that this choice, this health savings account option, benefits only the wealthy. Nothing could be further from the truth, Madam Speaker.

By tearing through the red tape and allowing people to consolidate and transfer their accounts into the increasingly popular HSAs, more consumers will have access to these insurance plans, putting themselves in the driver's seat of their health care decisions. And when they have skin in the game, both figuratively and literally, they will choose the best and most effective choice from the health care menu.

Madam Speaker, the list goes on as to what this legislation does for health care in America. From ensuring doctors are reimbursed for using the latest treatment therapy for prostate cancer, to extending the therapy caps exception process for an additional year, the Tax Relief and Health Care Act of 2006 continues the much-needed reform of our health care system, and this Republican-led Congress spearheaded this over the last years.

With that, Madam Speaker, I will reserve the balance of my time.

Mr. McGOVERN. Madam Speaker, I want to thank the gentleman from Georgia, Dr. Gingrey, for yielding me the customary 30 minutes and I yield myself such time as I may consume.

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

Mr. McGOVERN. Madam Speaker, I am disappointed but not surprised that this is how we are ending the 109th Congress. Like I said yesterday, old habits die hard. Once again, we are here on the floor debating an omnibus bill, a smorgasbord, if you will, a bill which cobbles together several bills and other provisions that have absolutely nothing to do with each other.

This process is unfortunate. The Republican leadership is forcing a bill through this body today that includes tax extenders, Medicare payments, offshore drilling and an expansion of the D.C. school voucher program. It is a 279-page bill that is date-stamped yesterday at 1:39 p.m. I wonder how many people in this House, Madam Speaker, have actually had the time to read and research what is in this bill and how it will impact current policy.

□ 1045

I would say to my colleagues, don't be surprised if in a week or two you pick up your local newspaper and that there is a story about other goodies that are hidden in this bill that we are about to consider today. Sadly, that is what we have come to expect from this Republican leadership.

There are at least four separate bills included in these 279 pages, each of which does a variety of things. First, the tax extenders bill. The tax extenders provisions include things like the R&D tax credit and Work Opportunity Act, just to name a couple. These tax extensions happen every year, are generally bipartisan and noncontroversial, and could and should be passed on their own and considered in the Senate under regular order.

Second, this bill includes Medicare payments to ensure our seniors are able to receive the health care that they have come to expect. The Republican leadership and the Republicans on the Ways and Means committee have known for an entire year about the need to address these Medicare payment issues. They just didn't care enough to act. They should have written a bill and brought it through the committee through regular order, but they just didn't seem to care enough to get it done.

Third, and most problematic, is the offshore drilling bill that has been inserted in this tax bill. This bill passed the House earlier this year but failed to get out of conference, so instead of the Republican House and the Republican Senate doing their job and sending us a conference report, we get instead a bill stuck in with tax extensions and Medicare payments that allows for offshore drilling in the Gulf of Mexico. This bill is as far from a solid, comprehensive energy strategy as we can get, Madam Speaker, and yet another bow to the interests of Big Oil. And that comes as no surprise. That is what the majority has been doing for the past 6 years.

So let's be clear. Opening up these areas of the Gulf of Mexico will have no significant impact on oil and gas prices but it will benefit the oil and gas industry. This is the same industry that used a royalty relief loophole to swindle the American taxpayers out of at least $7 billion in royalties. And it is the same industry that received $7.5 billion in tax breaks in the so-called energy bill, all courtesy of the Republican leadership in this Congress.

Fourth and finally, Madam Speaker, we know there is an expansion of the school voucher program for Washington, D.C. Rather than advocate for more money to improve public schools, the Republican leadership has decided to divert funds to unaccountable religious and private schools. This is a highly controversial program that should not be stuffed in a catch-all bill as the Congress is trying to adjourn.

Madam Speaker, I support extending the noncontroversial tax credits and at long last fixing these Medicare reimbursement problems, but I cannot support efforts to open up offshore drilling in the Gulf of Mexico or expand the D.C. school voucher program. And I certainly cannot support the way the Republican leadership is forcing the House to consider this omnibus bill, under a closed rule, with no time for adequate review or amendment.

Madam Speaker, this is not the way the House of Representatives should be run. This is not the way we should legislate.

I urge my colleagues to vote ''no'' on the rule and vote ''no'' on the bill.

Madam Speaker, I reserve the balance of my time.

Mr. GINGREY. Madam Speaker, I yield myself such time as I may consume. I would just say to my friend from Massachusetts as he bemoans the provision in the bill regarding the provisions that allow for expansion of offshore exploration of natural gas off of the gulf coast States, he is right.

In this body, we have tried to be more comprehensive. That is no reason to oppose what little bit of agreement that we could get from the Senate in regard to an attempt at a comprehensive energy provision. Because of parochial opposition, we were not able to do the same thing off the coast of Florida and California. I indeed and many on

my side of the aisle were in favor of that and a more comprehensive, expanded opportunity for domestic production.

And another example I want to point out particularly for the gentleman from Massachusetts, there was a very interesting project off the coast of his State called Cape Wind that would have produced a tremendous amount of energy in the cleanest of clean ways, renewable energy, in that Cape Wind project, but it was parochial opposition from the Members of Congress and possibly the State legislature in the State of Massachusetts that did not permit that project to go forward.

So we have to deal with those. It is understandable, we can understand the opposition even though passage would be for the greater good of the entire country, but we do what we can do. There are very, very many energy provisions in this bill, a lot of tax credits to try to incentivize the use of cellulosity of products and biofuel to produce methanol and ethanol. And so I think we have a very good, comprehensive project here.

With that, Mr. Speaker, I will reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, just so I can correct the record, I should tell the gentleman from Georgia that the Cape Wind project has not been blocked. And, in fact, those of us in Massachusetts, in New England, understand the need for increased energy and right now are working with our Governor to try to find an adequate location for a new LNG facility.

So it is incorrect to say that that Cape Wind project has been blocked.

Our problem here is that the energy policy of this Republican leadership is like going to the dentist. It's drill, drill, drill, drill. Those of us who believe that we should be pursuing alternative, renewable, safe and clean sources of energy are frustrated that those on the other side are all talk and no action. We have an opportunity to end our dependence on foreign oil. We have an opportunity to create a whole new energy economy based on renewable energy sources, and we have not been given the help or the support from this Congress or from this President. So that is what we are frustrated about. And also the constant giveaways to the oil companies who have gourged and who have ripped off the American taxpayer. It is obscene that in the energy bill over $7 billion in tax subsidies and tax breaks have been given to the oil industry. We need to change our direction.

With that, Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman from Massachusetts and also join in the remarks that he made.

I rise to express my strong opposition to the rule and my serious concerns about the substance of the bill we are about to consider. First off, we are considering complex pieces of legislation that affect a wide variety of U.S. policies and we are doing so after getting only a few short hours to read the actual bill text. I suppose we shouldn't have expected more from this Congress, but it is still reprehensible that the Republican leadership has chosen to throw so many bills together at the very end of the session without giving Members the opportunity for amendments.

I will say that on behalf of the doctors and patients in my district, I am glad to see that Congress is taking action to avert a drastic 5.1 percent cut in Medicare payments to physicians. It is a shame, however, that we have to wait until the end of the last week of this Congress in order to address a problem we saw coming from far away. What really needs to be done is a permanent fix that will avoid Congress from having to correct the Medicare reimbursement rate on an annual basis. If doctors face annual cuts, seniors may lose access to physician services, and that is why it is important to permanently fix the formula by which we pay physicians under Medicare.

On the other hand, I strongly oppose the offshore drilling language in this bill. It is inconceivable given what we know about our current energy problems and the looming threat of global warming that we are considering another proposal to do nothing more than drill, drill, and drill as the gentleman from Massachusetts said. I have said many times before, the United States consumes a quarter of the world's oil but contains only 3 percent of the world's known reserves. There is simply no way we can drill our way out of our dependence on foreign oil. What we need instead is a more comprehensive solution that focuses on increasing the efficiency of our cars, our homes and businesses and promotes the use of clean, renewable technology. We see more and more evidence every day that our dangerous addiction to fossil fuels is threatening our national security, causing volatile prices at the pump and exacerbating global warming. Instead, we are given the choice of more oil rigs in offshore waters which is little more than a sop to the oil and gas industries that have gotten so many favors already from this Congress. Apparently, the Republican leadership can't help giving them one more favor as they go out the door.

It is my sincere hope, Mr. Speaker, that next year we can start this process over and work in a bipartisan fashion on legislation to address all these issues. I hope Members realize that next year the new Democratic Congress will not resort to such tactics as the rule we are dealing with today and will choose to deal with important matters such as energy legislation and physician payment schedules in a timely and rational manner.

I strongly urge my colleagues to vote ''no'' on this ill-conceived rule.

Mr. GINGREY. Mr. Speaker, I yield to myself 30 seconds before yielding to the gentlewoman from North Carolina just in response to my good friend from New Jersey. What a welcome relief to hear him say that as they ascend to the majority in the 110th Congress that he is going to fix permanently this physician shortfall.

As I said in my opening remarks, we are estimated by MedPAC that over the next several years we are going to have a 37 percent decrease in physician payments to permanently fix, CBO and OMB estimates, a $150 to $200 billion cost over 10 years. So it will be interesting to see how our friends on the other side of the aisle pay for that, but I am glad that they are going to step forward to the challenge.

At this point I want to yield to my good friend from North Carolina (Ms. FOXX) for 2 minutes.

Ms. FOXX. Mr. Speaker, I thank my colleague from Georgia for yielding me this time.

As I was reading through the 279 pages of this bill last night, on page 148 I stumbled across division B, title I, section 111. It was here I found a provision that seemed rather obscure but turns out to be a part of the bill that is required to be there by the Senate minority leader for the bill to pass. This section contains a redesignation for a hospice satellite program, specifically Medicare provider number 29–1511. Apparently, this redesignation would allow the facility to exceed its reimbursement cap, which sounds an awful lot like an earmark to me. I understand this program is located in Nevada and the provision was advocated by the Senate minority leader, a constant and vocal critic of hiding earmarks. The public often wonders how these unusual things get funded by the government. The reason is because the language is written like this:

''Notwithstanding any other provision of law, for purposes of calculating the hospice aggregate payment cap for 2004, 2005, and 2006 and for a hospice program under section 1814(i)(2)(A) of the Social Security Act (42 U.S.C. 1395f(i)(2)(A)) for hospice care provided on or after November 1, 2003, and before December 27, 2005, Medicare provider number 29–1511 is deemed to be a multiple location of Medicare provider number 29–1500.''

It is clear this agency has violated the rules for at least 3 years and the minority leader is bailing it out with an earmark, those horrible things that the minority party has taken such objection to in the past few months. However, now that they have used the subject to win a majority, they continue to use the practice. We are castigated for not passing budgets and other bills, but one reason has been the minority leaders often demand earmarks. Furthermore, they demand that their fingerprints not be on those earmarks.

I think it is important that we point out the double standard practiced by the minority leadership.

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Mr. MCGOVERN. Mr. Speaker, the gentlewoman from North Carolina has

made the case more eloquently than I could possibly make the case about the need to have a more open process and the need to follow regular order. If she objects to earmarks and certain provisions in the bill, she should have the opportunity to be able to introduce amendments to strike some of these provisions. If we followed a regular process that had some integrity in this Congress, then I think all of us here could be confident that the final product on some of these pieces of legislation are things that we can be proud of.

Mr. Speaker, I yield 4½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would say that there is a kinship with many of my colleagues about the necessity of regular order. In the best of all worlds, we would have had a number of days to debate many of the very pithy and challenging issues that are in this particular rule that now will, ultimately, if this rule pass, will bring up any number of issues that require our thoughtful deliberation.

But I would say that we are in the waning hours of the 109th Congress, and we look forward to a new day when the light of day will shine on issues dealing with conservation, dealing with the right relationship between patient and physician and the payment of their services and, yes, when we address the question of tax relief for people who really, really need it.

I want to rebut Lou Dobbs' attack on the middle class and say that we stand for working Americans. And so I believe that there is a great need for some of the aspects of this legislation. We need the college tuition deduction extension. We need the State sales tax exemption for States who do not have State income tax, but the burden of taxation falls unfairly on those who are least able to pay it because they pay a high sales tax. We need the welfare-to-work tax credit, and we certainly need the tax that relieves teachers who pay their own money for books and supplies for children in inner-city and rural schools. I know it firsthand because my daughter, as a teacher, had to go in, because she desired to do it, and take her resources so her class could have an enthusiastic and challenging way of learning. These are vital aspects of what needs to be done.

And then, who has not heard from their doctor who wants to do what is right in rural and urban areas who cannot get the complete respect, if you will, of CMS by the cuts in their Medicare payments every single year. We need this stability, this fund, that will help bring about stability in the payments to physicians.

My friends, not only are we losing medical students in medical schools, meaning that the numbers are declining, doctors are giving up the ship, and they are doing it because we have not been fair to them.

And now, of course, I am from Texas, and I believe in conservation. I had hoped that when we were talking about energy legislation, the President would open the door on conservation here in the United States. But let me tell you what this sharing of revenue is all about. It is not a giveaway. It is not a throwaway. I recognize that when we talk about the energy industry, we are certainly talking about those that cannot win a popularity contest. But we have got to address the question of coastal restoration. This is a key element to protecting the coastal line, not for the coastal States but for America.

Do you want to see the ticking clock on what we have now expended for those folk in Louisiana who are still in need? My visit to Louisiana tells me that they are still in troubling times. People can't go home. Homes are not restored. But we are spending billions and billions of dollars for the most catastrophic evacuation and tragedy that we have seen most in the history of the United States.

The coastal lines have deteriorated. The wetlands have deteriorated. And what this revenue sharing will do, in the exploration of the Outer Continental Shelf, it will provide it revenue to protect the coastal line.

My understanding is that our friends from Florida, at least those who have engaged in this discussion, believe that there is sufficient protection for them as well. We did not ignore the concerns of coastal States. But it is imperative that, one, we engage in conservation, but we also engage in safe, environmentally safe exploration of natural gas.

We are going to dispute this. We are going to disagree. We are going to castigate. We are going to suggest that we are falling victim to those who want to explore. We are going to be called the, if you will, explorer and giveaway on this particular bill.

I would have preferred a more thorough, ongoing debate on this question. But I believe this is the right way to go right now. We have got to provide the resources for the restoration of those coastal areas. We have got to provide an environmentally safe way of exploration. We have got to have some domestic production. And LNG, or the natural gas production that is going on and has the ability of being done in the Outer Continental Shelf is vital for the aspect of conservation and energy independence of the United States of America. I ask my colleagues to support this rule and the underlying bill.

Mr. Speaker, first and foremost, I think it is imperative that we all agree on the vital importance of America achieving energy independence in the 21st century. We must end our addiction to foreign sources of oil, most of which are found in regions of the world which are unstable and in some cases, opposed to our interests. Accordingly, there is no issue more integral to our economic and national security than energy independence.

Although I must admit that I do have reservations about certain aspects of this bill and the process with which this bill has arrived on the House floor, I nevertheless support it as a step in the right direction of America achieving energy independence. I think many of us in the House would agree that the issues central to this bill, the future of energy exploration off of our gulf coastlines, deserves more time for deliberation, debate, and a process for amendment. Some of these amendments which were incorporated into H.R. 4671 include my amendments which supported minority-serving universities and minority-owned businesses. These very important provisions were designed to ensure that sectors of our Nation and economy which are often overlooked, namely, minority-serving institutions and minority-owned business, were given an opportunity to benefit from and compete for the opportunities afforded in this bill.

Nevertheless, I still support H.R. 6111 because it is a step in the right direction, a step towards energy independence, and a step away from being eternally beholden to foreign sources of oil. Moreover, this step includes an integral revenue sharing formula which ensures that 37.5 percent of the revenue from new areas of production and new leases go towards gulf producing States. Furthermore, 20 percent of the revenue allocated to gulf producing States must be allocated to the State's coastal subdivisions to be used for the purposes of: coastal protection, conservation, coastal restoration, hurricane protection, protecting coastal wetlands, and mitigating damage to fish and wildlife. In addition, 12.5 percent of the revenue will be allocated to the Land and Water Conservation Fund, which ensures that the environmental impact of offshore drilling will be monitored, managed, and regulated to ensure that our coasts are protected.

Energy is the lifeblood of every economy, especially ours. Producing more of it leads to more good jobs, cheaper goods, lower fuel prices, and greater economic and national security. However, the U.S. is more than 60 percent dependent on foreign sources of energy, twice as dependent today as we were just 30 years ago. Although energy is the lifeblood of America's economic security, this growing and dangerous dependence has resulted in the loss of hundreds of thousands of good American jobs, skyrocketing consumer prices, and vulnerabilities in our national security.

Energy imports now make up one-third of America's trade deficit. Through this bill, America could improve the supply-demand imbalance, lower consumer prices, and increase jobs by producing more of its own energy resources. With my district of Houston being the energy capital of the world, I support the efforts that this bill makes to recognize State stakeholders and incorporate their interests in revenue sharing.

According to the U.S. Minerals Management Service, MMS, America's deep

seas on the Outer Continental Shelf, OCS, contain 420 trillion cubic feet of natural gas—the U.S. consumes 23 TCF per year—and 86 billion barrels of oil—the U.S. imports 4.5 billion per year. Even with all these energy resources, the U.S. sends more than $300 billion—and countless American jobs—overseas every year for energy we can create at home.

In some cases, the U.S. is facing much-higher energy prices than other countries. Natural gas, for example, is as much as ten times more expensive in the United States than it is in foreign nations. This fact alone has led to the loss of hundreds of thousands of high-paying American jobs, as natural gas-dependent factories are forced to close their doors and move overseas in search of more affordable energy. The outsourcing of American jobs is an issue of central importance to me and my constituents, and I believe this bill is a step in the right direction of bringing jobs back to hard-working Americans.

Regarding the physician payment adjustment portion of this bill, beginning January 1, 2007, payments to physicians who treat Medicare patients will be cut 5.0 percent. Over the next 9 years, Medicare's trustees are projecting a total of 40 percent in Medicare payment cuts to physicians. If the January 1 cut is imposed, the average physician payment rate, accounting for increases in the cost of running a practice, will be less in 2007 than it was in 2001. This bill will eliminate that cut for at least 1 year. We certainly need to do more.

The Medicare sustainable growth rate, SGR, formula, used in establishing payment rates under the physician fee schedule under the Medicare program, resulted in significant payment cuts to physicians and health care professionals in 2002. These cuts were for doctors only, not for hospitals or other medical facilities.

The Medicare SGR formula would have resulted in payment cuts to physicians and health care professionals in 2003, 2004, 2005, and 2006 had Congress not intervened.

According to the Medicare Payment Advisory Commission, MedPAC, and the board of trustees of the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, the Medicare SGR formula will result in substantial payment cuts to physicians and health care professionals through at least 2015.

MedPAC is very well respected and a recognized authority on Medicare and healthcare issues. It does not support the impending payment cuts and is concerned that such consecutive annual payment cuts would threaten access to physician services over time, particularly primary care services.

MedPAC has raised concerns over current payment policies that may discourage medical students and residents from becoming primary care physicians because many Medicare beneficiaries rely on primary care providers for important health care management.

According to a 2006 American Medical Association survey, if payment cuts to physicians under the Medicare program go into effect: Half of physicians plan to decrease the number of new Medicare patients they accept; half of physicians plan to defer the purchase of information technology; 1 in 3 physicians who treat patients living in rural communities will discontinue rural outreach services; and almost half—43 percent—of physicians will decrease the number of new TRICARE patients they accept.

The annual actions by Congress that have overridden the Medicare SGR formula have only resulted in instability and unpredictability for physicians, health care professionals, seniors, and individuals with disabilities. It does not solve the long-term systemic problem of rising costs.

Stable, positive updates under the Medicare physician fee schedule that accurately reflect medical practice cost increases are vital for encouraging and economically supporting physicians' ability to make the significant financial investment required for health information technology and participation in quality improvement programs.

A stable payment system for physicians is critical to preserve Medicare beneficiaries' access to high-quality health care.

We cannot in good conscience establish barriers for doctors and health care professionals to surmount in order to continue to provide access to high-quality Medicare services for all Medicare beneficiaries. Congress must halt the impending January 1 cuts and develop an alternative payment system that accurately reflects the costs of providing care to Medicare beneficiaries.

The biggest single flaw is that this payment schedule rubric recently announced by CMS has no connection to the actual cost of providing patient care. Starving doctor's practices will not decrease healthcare prices, or change unethical behavior. It will drive doctors out of business who are desperately needed to provide care to our elderly.

In conclusion, I urge my colleagues to support H.R. 6111 as a step in the right direction towards securing energy independence and ensuring that Gulf Coast States share in the revenue from new areas of production while protecting our environment.

Mr. GINGREY. Mr. Speaker, I yield myself 1½ minutes.

I thank the gentlewoman from Texas. She started her discussion by saying that this bill has kind of been rushed through in the dark of night and there hasn't been an opportunity to study the details of the bill. But as a hard-working Member of this body, the gentlewoman from Texas clearly has had sufficient time to look at all those provisions, that litany of provisions, those line items that she went through and endorsed wholeheartedly because of the compassion that she has got in regard to the education of our children and public schools, the provisions in there that help to continue to rebuild the Gulf Coast States, one of which of course is her great State of Texas, and what that expanded ability to obtain natural gas in the Gulf of Mexico, what that means to the State of Texas and Louisiana, Alabama and Mississippi. So, while she was decrying that the bill was rushed through and she doesn't understand it, I am glad to know that she fully understands it and endorses it. And I guess if she had more time she would have gone on and listed some other provisions that she is in favor of, and I thank her for that.

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

Mr. MCGOVERN. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Speaker, it is outrageous what this Congress is about to do. This Congress is voting on a sorely needed adjustment to reimbursement rates for physicians that is very important to my home State, Florida, and the entire country.

But as part of that, the Congress is also being forced to vote on opening up 8 million acres in the Gulf of Mexico to drilling, which threatens the environment and the economy in the State of Florida. There has not been a single hearing in the U.S. House of Representatives, in the State of Florida, anywhere in the country, on the implications to the environment, the economy, the Florida beaches, not just a State treasure, a national treasure, opening this area up for drilling.

And what's at stake? What's at stake is this drilling is going to occur in a part of the Gulf of Mexico where the currents, the tides, the wind and the slew of hurricanes that we know all plague this part of the country could bring disaster to Florida in the event of a spill.

Now, reasonable people will disagree on the probability of a spill. But we should at least have an open and honest debate as to those facts and the serious implications to the State of Florida if there is a spill, because there has been evidence I have put in this RECORD from public hearings in Florida, from experts, that if there is a spill out in the Gulf of Mexico, this current could easily bring this oil spill into the west coast of Florida, my home, the Florida Keys, a national treasure, even to the east coast of Florida.

And why are we doing this? For 60 days of oil for the country and 97 days of natural gas one State, the State of Florida, is being put at risk, also, at a time where there are over 4,000 leases currently in effect for the oil and gas industry that are not being tapped.

As a matter of fact, 80 percent of the known oil and gas reserves on the

Outer Continental Shelf are already available for lease exploration and drilling. And yet, on the last day of this Congress, this Congress forces the American people, the United States Congress, who want relief for physicians and their patients, to be forced to open the Gulf of Mexico up to 8 million acres of drilling.

Now, what should happen instead? This rule should be defeated. This Congress should come back next year and have a comprehensive energy bill.

Should Florida support drilling in the Gulf of Mexico? Of course we should. We should be part of the national solution, but only after an open and honest debate to make sure that Florida's environment and our economy is protected, to make sure that drilling is part of a comprehensive bill that includes stronger, smarter fuel efficiency standards for cars and trucks, emphasis on renewables and alternative fuel. That is the responsible approach, not just for the State of Florida, but for the country.

So I would urge defeat of this rule, and let's go back and take up this issue in a fair way, not just for the State of Florida, but for the entire country.

Mr. GINGREY. Mr. Speaker, I yield myself 1 minute in response to the gentleman from Florida.

I'm sure the gentleman from Florida had a number of occasions over the last year to give that speech throughout the State of Florida, and I appreciate his position on this issue.

But I want to point out to him that of the Gulf Coast States, those four States of Alabama, Mississippi, Texas, Louisiana, we have seven Republican Senators, and that we have three Republican Governors, three out of four. Seven out of eight.

But when this bill was debated in the Senate, the vote was 71–25, and I remind the gentleman from Florida that there are only 55 Republican Senators in the other body. I can only say that Governor Blanco and Senator LANDRIEU must be awfully persuasive. This was a strong bipartisan support in the Senate, and I would guess it will have strong bipartisan support, including these provisions in regard to gas exploration in the Gulf of Mexico. It doesn't involve Florida or California.

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

Mr. MCGOVERN. Mr. Speaker, at this time I yield 5 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, the gentleman from Massachusetts has already pointed out to the gentleman from Georgia that we in Massachusetts and all the rest of the States that aren't involved in this raid on the Federal treasury, are interested in putting together a real comprehensive energy policy for our country. But we have been excluded from this debate, over the 6 years of the Bush/Cheney secret energy task force, of any considerations for environmental consumer conservation-related issues. And this final bill, which comes out here on the floor, is the exclamation point on the Bush Republican energy policy.

In this bill, believe it or not, and it is staggering, we are going to allow, as the gentleman from Florida just pointed out, massive new drilling for oil and gas on Federal lands. Now, the States of Texas, Louisiana, Alabama and Mississippi will derive $170 billion. That is right; $170 billion worth of revenues from this drilling.

Now, the risk runs to Florida. We have a huge Federal deficit, which we are constantly lectured about from the White House and from the Republican side. But this will drain another $170 billion. The other 46 States in the Union, if they vote for this bill, they deserve to be lectured to on deficit reduction. But if you come from one of these four States, this is the proudest moment you will ever have in your tenure here in the House of Representatives. If you can convince 46 States to give you $170 billion as part of this Outer Continental Shelf drilling, you will never have an achievement bigger than this. If you are one of the other 46 States, you should hang your head in shame.

And, by the way, this Congress has already appropriated $80 billion to help the States which have been affected by Hurricane Katrina.

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We will vote for more, if necessary, to help the States affected by Hurricane Katrina, $80 billion already. But don't come to us and tell us that we should shift the whole formula for who receives benefits from drilling on Federal lands and give it over to four States.

Now, to the credit of the Rules Committee, and I thank the gentleman from Massachusetts and the other Democratic Members of the Rules Committee, and I also thank the leadership from the Republican side, they have actually put in order, as part of this bill, an amendment which will be voted upon here out on the House floor.

That amendment is one that has already passed the House back in May. It passed overwhelmingly: 252 of us voted for it. That amendment calls for the renegotiation of the leases that were let back in the 1990s that actually, believe it or not, do not require royalties to be paid for by ExxonMobil or other oil and gas companies. When the price of a barrel of oil goes to $50, $60, $70 a barrel, they don't even have to pay royalties to the American people for drilling on public lands. It is all windfall profits.

The amendment which we will have out here to vote upon later today will require a renegotiation of all of those contracts so that the Federal taxpayer gets the benefit of the royalties and drilling on public lands when they go above $30 and $40 and $50 and $60 and $70 a barrel, and they at least will reclaim $10 or $20 billion worth of revenues that are strictly going into the pockets of the oil and gas companies right now.

Right now, those oil and gas companies are tipping the American taxpayer upside down, shaking money out of their pockets, and putting it into the pockets of their own shareholders. That money should be used to reduce the Federal deficit, to pay for Medicare, for Medicaid, for educational programs.

I thank the Rules Committee for putting that amendment in order. I urge the Members of Congress to support that amendment.

By the way, one other bonus benefit to the Members out here, that amendment also gives a 1-year extension on relief from the alternate minimum tax. It is a good amendment. I thank the gentleman for making that possible.

Mr. GINGREY. Mr. Speaker, I yield myself 30 seconds.

My able staff has just presented me with some fairly interesting statistics. I just said in my previous remarks that the vote on the Senate side was 71–25. Included in the 71 ''yea'' vote for this exploration off the gulf coast were 17 Democrats. The interesting thing about this is one of those is the incoming majority leader of the Senate, Harry Reid of Nevada, and Senator CLINTON from New York, a Senator of some prominence in a neighboring State to Massachusetts, and last, but not least, Senator NELSON from the great State of Florida.

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

Mr. MCGOVERN. Mr. Speaker, let me close for our side here, once again reiterating that this is a lousy process, and that it is really unfortunate that the Republican leadership has decided to meld together provisions, some of which have broad bipartisan support, with a provision on this offshore drilling that is extremely controversial, that some of us believe will do great damage to the environment, and as my colleague from Florida has pointed out, poses potential risks for the State of Florida. This is not the way this should be done.

We should have a more open process. We should have regular order. We should have hearings. We should have committee markups. We should do this the right way. Unfortunately, a pattern has developed under this Republican leadership where process and rules haven't mattered, and that is, indeed, unfortunate. We need to do better, not just for the sake of this institution, but we need to do better for the American people.

I hope that in the next Congress that we will set a new standard, one that we can all be proud of, Democrats and Republicans together.

Having said that, Mr. Speaker, let me also take this opportunity to say that notwithstanding the fact that I think this is a lousy process, I have great respect for the gentleman from Georgia, who is departing from the Rules Committee. It has been a privilege to serve

with him. I have enjoyed debating with him and listening to his perspective. There is not very much we agree on, but having said that, we have, I think, had a good relationship, a collegial relationship, and a respectful relationship. The committee will not be the same without his voice and without his insight, so I want to thank him.

Mr. Speaker, I again urge people to vote ''no'' on the rule and on the final bill because of the way it has been messed up.

Mr. Speaker, I yield back the balance of my time.

Mr. GINGREY. Mr. Speaker, I want to thank my good friend JIM MCGOVERN for those kind remarks. The feeling is indeed mutual. I certainly have enjoyed serving with him and all the members of the Rules Committee on both sides of the aisle, and I thank him for his kind remarks.

GENERAL LEAVE

Mr. GINGREY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 1099.

The SPEAKER pro tempore (Mr. FOSSELLA). Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. GINGREY. Mr. Speaker, in closing, I rise again in support of this rule and in recognition of the importance of the underlying bill. I do want to take this opportunity in closing to recognize the hard work and efforts of Chairman THOMAS and Chairman BARTON, as well as their respective committees, for the final product that we have before us today.

Also, Mr. Speaker, I want to recognize and thank Chairman THOMAS for his decades of service to this House and the people of his district, as well as Americans all across this Nation.

BILL THOMAS, a brilliant professor from Bakersfield, has truly been a leader across the board, and his expertise and devotion of 28 years of service across this country will truly be missed.

Mr. Speaker, the Tax Relief and Health Care Act of 2006 is a very important piece of legislation that positively impacts each and every American by fostering economic growth, driving innovation, increasing our energy supply, and improving the quality of health care in this country. As the 109th Congress draws to a close, and the minority prepares to become the majority, I believe that we must work together to produce legislation like this that recognizes the fact that when the government gets out of the way, Americans can do what they do best, and that is what is best for America.

I want to encourage all of my colleagues to support this rule and support the underlying legislation.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DAVIS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

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 later today.

VETERANS BENEFITS, HEALTH CARE, AND INFORMATION TECHNOLOGY ACT OF 2006

Mr. BUYER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3421) to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007, and for other purposes, as amended.

The Clerk read as follows:

S. 3421

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 ''Veterans Benefits, Health Care, and Information Technology Act of 2006''.

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

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—ATTORNEY REPRESENTATION MATTERS

Sec. 101. Agent or attorney representation in veterans benefits cases before the Department of Veterans Affairs.

TITLE II—HEALTH MATTERS

Sec. 201. Additional mental health providers.
Sec. 202. Pay comparability for the Chief Nursing Officer, Office of Nursing Services.
Sec. 203. Improvement and expansion of mental health services.
Sec. 204. Disclosure of medical records.
Sec. 205. Expansion of telehealth services.
Sec. 206. Strategic plan for long-term care.
Sec. 207. Blind rehabilitation outpatient specialists.
Sec. 208. Extension of certain compliance reports.
Sec. 209. Parkinson's Disease research, education, and clinical centers and multiple sclerosis centers of excellence.
Sec. 210. Repeal of term of office for the Under Secretary for Health and the Under Secretary for Benefits.
Sec. 211. Modifications to State home authorities.
Sec. 212. Office of Rural Health.
Sec. 213. Outreach program to veterans in rural areas.
Sec. 214. Pilot program on improvement of caregiver assistance services.
Sec. 215. Expansion of outreach activities of Vet Centers.
Sec. 216. Clarification and enhancement of bereavement counseling.
Sec. 217. Funding for Vet Center program.

TITLE III—EDUCATION MATTERS

Sec. 301. Expansion of eligibility for Survivors' and Dependents' Educational Assistance program.
Sec. 302. Restoration of lost entitlement for individuals who discontinue a program of education because of being ordered to full-time National Guard duty.
Sec. 303. Exception for institutions offering Government-sponsored non-accredited courses to requirement of refunding unused tuition.
Sec. 304. Extension of work-study allowance.
Sec. 305. Deadline and extension of requirement for report on educational assistance program.
Sec. 306. Report on improvement in administration of educational assistance benefits.
Sec. 307. Technical amendments relating to education laws.

TITLE IV—NATIONAL CEMETERY AND MEMORIAL AFFAIRS MATTERS

Sec. 401. Provision of Government memorial headstones or markers and memorial inscriptions for deceased dependent children of veterans whose remains are unavailable for burial.
Sec. 402. Provision of Government markers for marked graves of veterans at private cemeteries.
Sec. 403. Eligibility of Indian tribal organizations for grants for the establishment of veterans cemeteries on trust lands.
Sec. 404. Removal of remains of Russell Wayne Wagner from Arlington National Cemetery.

TITLE V—HOUSING AND SMALL BUSINESS MATTERS

Sec. 501. Residential cooperative housing units.
Sec. 502. Department of Veterans Affairs goals for participation by small businesses owned and controlled by veterans in procurement contracts.
Sec. 503. Department of Veterans Affairs contracting priority for veteran-owned small businesses.

TITLE VI—EMPLOYMENT AND TRAINING MATTERS

Sec. 601. Training of new disabled veterans' outreach program specialists and local veterans' employment representatives by NVTI required.
Sec. 602. Rules for part-time employment for disabled veterans' outreach program specialists and local veterans' employment representatives.
Sec. 603. Performance incentive awards for employment service offices.
Sec. 604. Demonstration project on credentialing and licensure of veterans.
Sec. 605. Department of Labor implementation of regulations for priority of service.

TITLE VII—HOMELESS VETERANS ASSISTANCE
Sec. 701. Reaffirmation of national goal to end homelessness among veterans.
Sec. 702. Sense of Congress on the response of the Federal Government to the needs of homeless veterans.
Sec. 703. Authority to make grants for comprehensive service programs for homeless veterans.
Sec. 704. Extension of treatment and rehabilitation for seriously mentally ill and homeless veterans.
Sec. 705. Extension of authority for transfer of properties obtained through foreclosure of home mortgages.
Sec. 706. Extension of funding for grant program for homeless veterans with special needs.
Sec. 707. Extension of funding for homeless veteran service provider technical assistance program.
Sec. 708. Additional element in annual report on assistance to homeless veterans.
Sec. 709. Advisory Committee on Homeless Veterans.
Sec. 710. Rental assistance vouchers for Veterans Affairs supported housing program.
TITLE VIII—CONSTRUCTION MATTERS
Subtitle A—Construction and Lease Authorities
Sec. 801. Authorization of fiscal year 2006 major medical facility projects.
Sec. 802. Extension of authorization for certain major medical facility construction projects previously authorized in connection with Capital Asset Realignment Initiative.
Sec. 803. Authorization of fiscal year 2007 major medical facility projects.
Sec. 804. Authorization of advance planning and design for a major medical facility, Charleston, South Carolina.
Sec. 805. Authorization of fiscal year 2006 major medical facility leases.
Sec. 806. Authorization of fiscal year 2007 major medical facility leases.
Sec. 807. Authorization of appropriations.
Subtitle B—Facilities Administration
Sec. 811. Director of Construction and Facilities Management.
Sec. 812. Increase in threshold for major medical facility projects.
Sec. 813. Land conveyance, city of Fort Thomas, Kentucky.
Subtitle C—Reports on Medical Facility Improvements
Sec. 821. Report on option for medical facility improvements in San Juan, Puerto Rico.
Sec. 822. Business plans for enhanced access to outpatient care in certain rural areas.
Sec. 823. Report on option for construction of Department of Veterans Affairs Medical Center in Okaloosa County, Florida.
TITLE IX—INFORMATION SECURITY MATTERS
Sec. 901. Short title.
Sec. 902. Department of Veterans Affairs information security programs and requirements.
Sec. 903. Information security education assistance programs.
TITLE X—OTHER MATTERS
Sec. 1001. Notice to congressional veterans committees of certain transfers of funds.
Sec. 1002. Clarification of correctional facilities covered by certain provisions of law.
Sec. 1003. Extension of authority for health care for participation in DOD chemical and biological warfare testing.
Sec. 1004. Technical and clerical amendments.
Sec. 1005. Codification of cost-of-living adjustment provided in Public Law 109–361.
Sec. 1006. Coordination of provisions with Veterans Programs Extension Act of 2006.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—ATTORNEY REPRESENTATION MATTERS

SEC. 101. AGENT OR ATTORNEY REPRESENTATION IN VETERANS BENEFITS CASES BEFORE THE DEPARTMENT OF VETERANS AFFAIRS.

(a) QUALIFICATIONS AND STANDARDS OF CONDUCT FOR INDIVIDUALS RECOGNIZED AS AGENTS OR ATTORNEYS.—

(1) ADDITIONAL QUALIFICATIONS AND STANDARDS FOR AGENTS AND ATTORNEYS GENERALLY.—Subsection (a) of section 5904 is amended—

(A) by inserting ''RECOGNITION.—(1)'' after ''(a)'';

(B) by striking ''The Secretary may recognize'' and inserting ''Except as provided in paragraph (4), the Secretary may recognize'';

(C) by striking the second sentence; and

(D) by adding at the end the following new paragraphs:

''(2) The Secretary shall prescribe in regulations (consistent with the Model Rules of Professional Conduct of the American Bar Association) qualifications and standards of conduct for individuals recognized under this section, including a requirement that, as a condition of being so recognized, an individual must—

''(A) show that such individual is of good moral character and in good repute, is qualified to render claimants valuable service, and is otherwise competent to assist claimants in presenting claims;

''(B) have such level of experience or specialized training as the Secretary shall specify; and

''(C) certify to the Secretary that the individual has satisfied any qualifications and standards prescribed by the Secretary under this section.

''(3) The Secretary shall prescribe in regulations requirements that each agent or attorney recognized under this section provide annually to the Secretary information about any court, bar, or Federal or State agency to which such agent or attorney is admitted to practice or otherwise authorized to appear, any relevant identification number or numbers, and a certification by such agent or attorney that such agent or attorney is in good standing in every jurisdiction where the agent or attorney is admitted to practice or otherwise authorized to appear.

''(4) The Secretary may not recognize an individual as an agent or attorney under paragraph (1) if such individual has been suspended or disbarred by any court, bar, or Federal or State agency to which the individual was previously admitted to practice and has not been subsequently reinstated.

''(5) The Secretary may prescribe in regulations reasonable restrictions on the amount of fees that an agent or attorney may charge a claimant for services rendered in the preparation, presentation, and prosecution of a claim before the Department. A fee that does not exceed 20 percent of the past due amount of benefits awarded on a claim shall be presumed to be reasonable.

''(6)(A) The Secretary may charge and collect an assessment from an individual recognized as an agent or attorney under this section in any case in which the Secretary pays to the agent or attorney, from past-due benefits owed to a claimant represented by the agent or attorney, an amount as a fee in accordance with a fee arrangement between the claimant and the agent or attorney.

''(B) The amount of an assessment under subparagraph (A) shall be equal to five percent of the amount of the fee required to be paid to the agent or attorney, except that the amount of such an assessment may not exceed $100.

''(C) The Secretary may collect an assessment under subparagraph (A) by offsetting the amount of the fee otherwise required to be paid to the agent or attorney from the past-due benefits owed to the claimant represented by the agent or attorney.

''(D) An agent or attorney who is charged an assessment under subparagraph (A) may not, directly or indirectly, request, receive, or obtain reimbursement for such assessment from the claimant represented by the agent or attorney.

''(E) Amounts collected under this paragraph shall be deposited in the account available for administrative expenses for veterans' benefits programs. Amounts so deposited shall be merged with amounts in such account and shall be available for the same purpose, and subject to the same conditions and limitations, as amounts otherwise in such account.''.

(2) SUSPENSION OF RECOGNIZED REPRESENTATIVES OF VETERANS SERVICE ORGANIZATIONS.—Section 5902(b) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by inserting ''(1)'' after ''(b)''; and

(C) by adding at the end the following new paragraph:

''(2) An individual recognized under this section shall be subject to the provisions of section 5904(b) of this title on the same basis as an individual recognized under section 5904(a) of this title.''.

(3) SUSPENSION OF INDIVIDUALS RECOGNIZED FOR PARTICULAR CLAIMS.—Section 5903 is amended—

(A) by inserting ''(a) IN GENERAL.—'' before ''The Secretary''; and

(B) by adding at the end the following new subsection:

''(b) SUSPENSION.—An individual recognized under this section shall be subject to the provisions of section 5904(b) of this title on the same basis as an individual recognized under section 5904(a) of this title.''.

(b) ADDITIONAL BASES FOR SUSPENSION OF INDIVIDUALS.—Subsection (b) of section 5904 is amended—

(1) by inserting ''SUSPENSION OF AGENTS AND ATTORNEYS.—'' after ''(b)'';

(2) in paragraph (4), by striking ''or'' at the end;

(3) in paragraph (5), by striking the period and inserting a semicolon; and

(4) by adding at the end the following new paragraphs:

''(6) has presented to the Secretary a frivolous claim, issue, or argument, involving conduct inconsistent with ethical standards for the practice of law;

''(7) has been suspended or disbarred by any court or bar to which such agent or attorney was previously admitted to practice, or has been disqualified from participating in or appearing before any Federal agency, and has not been subsequently reinstated;

''(8) has charged excessive or unreasonable fees, as determined by the Secretary in accordance with subsection (c)(3)(A); or

''(9) has failed to comply with any other condition specified in regulations prescribed by the Secretary for purposes of this subsection.''.

(c) MODIFICATION OF DATE FOR COMMENCEMENT OF SERVICES SUBJECT TO FEES.—

(1) MODIFICATION.—Effective as provided in subsection (h), paragraph (1) of subsection (c) of such section is amended—

(A) by striking ''the Board of Veterans' Appeals first makes a final decision in'' and inserting ''a notice of disagreement is filed with respect to'';

(B) by striking the second sentence; and

(C) in the third sentence, by inserting ''fees charged, allowed, or paid for'' before ''services provided''.

(2) REPORT.—Not later than 42 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report that sets forth an assessment of the effects of allowing agents and attorneys recognized under section 5904 of title 38, United States Code, to charge a fee to a claimant for services rendered in the preparation, presentation, and prosecution of a claim before the Department of Veterans Affairs after a notice of disagreement has been filed. Such report shall include the recommendations of the Secretary with respect to agent and attorney representation.

(d) MODIFICATION OF REQUIREMENTS TO FILE ATTORNEY FEE AGREEMENTS.—Effective as provided in subsection (h), paragraph (2) of subsection (c) of such section is amended—

(1) by striking ''after the Board first makes a final decision in the case'' and inserting ''after a notice of disagreement is filed with respect to the case'';

(2) by striking ''with the Board at such time as may be specified by the Board'' and inserting ''with the Secretary pursuant to regulations prescribed by the Secretary''; and

(3) by striking the second and third sentences.

(e) ATTORNEY FEES.—Subsection (c) of such section is further amended—

(1) in paragraph (1), by striking ''paragraph (3)'' and inserting ''paragraph (4)''; and

(2) by redesignating paragraph (3) as paragraph (4);

(3) by inserting after paragraph (2) the following new paragraph (3):

''(3)(A) The Secretary may, upon the Secretary's own motion or at the request of the claimant, review a fee agreement filed pursuant to paragraph (2) and may order a reduction in the fee called for in the agreement if the Secretary finds that the fee is excessive or unreasonable.

''(B) A finding or order of the Secretary under subparagraph (A) may be reviewed by the Board of Veterans' Appeals under section 7104 of this title.

''(C) If the Secretary under subsection (b) suspends or excludes from further practice before the Department any agent or attorney who collects or receives a fee in excess of the amount authorized under this section, the suspension shall continue until the agent or attorney makes full restitution to each claimant from whom the agent or attorney collected or received an excessive fee. If the agent or attorney makes such restitution, the Secretary may reinstate such agent or attorney under such rules as the Secretary may prescribe.''.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—Subsection (d) of such section is amended—

(1) by inserting ''PAYMENT OF FEES OUT OF PAST-DUE BENEFITS.—'' after ''(d)'';

(2) by inserting ''agent or'' before ''attorney'' each place it appears;

(3) in paragraph (1), by striking ''of this subsection'' after ''paragraph (2)'';

(4) in paragraph (2)(B), by striking ''of this paragraph'' after ''subparagraph (A)''; and

(5) in paragraph (3)—

(A) by striking ''attorneys' fee'' and inserting ''fee to an agent or attorney''; and

(B) by striking ''of this subsection'' after ''paragraph (1)''.

(g) REPEAL OF PENALTY FOR CERTAIN ACTS.—Section 5905 is amended by striking ''(1)'' and all that follows through ''(2)''.

(h) EFFECTIVE DATE.—The amendments made by subsections (c)(1) and (d) shall take effect on the date that is 180 days after the date of the enactment of this Act and shall apply with respect to services of agents and attorneys that are provided with respect to cases in which notices of disagreement are filed on or after that date.

(i) LIMITATION ON COLLECTION OF FEE ASSESSMENT.—No assessments on fees may be collected under paragraph (6) of section 5904(a) of title 38, United States Code (as added by subsection (a)(1)(D) of this section), until the date on which the Secretary of Veterans Affairs prescribes the regulations required by the amendments made by this section.

TITLE II—HEALTH MATTERS

SEC. 201. ADDITIONAL MENTAL HEALTH PROVIDERS.

(a) APPOINTMENTS.—Section 7401(3) is amended by inserting after ''social workers,'' the following: ''marriage and family therapists, licensed professional mental health counselors,''.

(b) QUALIFICATIONS.—Section 7402(b) is amended—

(1) by redesignating paragraph (10) as paragraph (12); and

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

''(10) MARRIAGE AND FAMILY THERAPIST.—To be eligible to be appointed to a marriage and family therapist position, a person must—

''(A) hold a master's degree in marriage and family therapy, or a comparable degree in mental health, from a college or university approved by the Secretary; and

''(B) be licensed or certified to independently practice marriage and family therapy in a State, except that the Secretary may waive the requirement of licensure or certification for an individual marriage and family therapist for a reasonable period of time recommended by the Under Secretary for Health.

''(11) LICENSED PROFESSIONAL MENTAL HEALTH COUNSELOR.—To be eligible to be appointed to a licensed professional mental health counselor position, a person must—

''(A) hold a master's degree in mental health counseling, or a related field, from a college or university approved by the Secretary; and

''(B) be licensed or certified to independently practice mental health counseling.''.

(c) REPORT ON MARRIAGE AND FAMILY THERAPY WORKLOAD.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary for Health of the Department of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the provision of treatment for post-traumatic stress disorder by marriage and family therapists employed by the Department of Veterans Affairs.

(2) CONTENTS.—The report submitted under paragraph (1) shall include the following:

(A) The actual and projected workloads in facilities of the Veterans Readjustment Counseling Service and the Veterans Health Administration for the provision of marriage and family counseling for veterans diagnosed with, or otherwise in need of treatment for, post-traumatic stress disorder.

(B) The resources available and needed to support the projected workload described in subparagraph (A).

(C) An assessment by the Under Secretary for Health of the effectiveness of treatment for post-traumatic stress disorder that is provided by marriage and family therapists.

(D) Recommendations, if any, for improvements in the provision of such treatment by such therapists.

SEC. 202. PAY COMPARABILITY FOR THE CHIEF NURSING OFFICER, OFFICE OF NURSING SERVICES.

Section 7404 is amended—

(1) in subsection (d), by striking ''subchapter III and in'' and inserting ''subsection (e), subchapter III, and''; and

(2) by adding at the end the following new subsection:

''(e) The position of Chief Nursing Officer, Office of Nursing Services, shall be exempt from the provisions of section 7451 of this title and shall be paid at a rate determined by the Secretary, not to exceed the maximum rate established for the Senior Executive Service under section 5382 of title 5.''.

SEC. 203. IMPROVEMENT AND EXPANSION OF MENTAL HEALTH SERVICES.

(a) REQUIRED CAPACITY FOR COMMUNITY-BASED OUTPATIENT CLINICS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall ensure that each community-based outpatient clinic of the Department of Veterans Affairs has the capacity to provide, or monitor the provision of, mental health services to enrolled veterans who, as determined by the Secretary, are in need of such services.

(2) SETTINGS.—In carrying out paragraph (1), the Secretary shall ensure that mental health services are provided through—

(A) a community-based outpatient clinic of the Department by an employee of the Department;

(B) referral to another facility of the Department;

(C) contract with an appropriate mental health professional in the community; or

(D) telemental health services.

(b) CLINICAL TRAINING AND PROTOCOLS.—

(1) COLLABORATION.—The National Center on Post-Traumatic Stress Disorder of the Department of Veterans Affairs shall collaborate with the Secretary of Defense—

(A) to enhance the clinical skills of military clinicians on matters relating to post-traumatic stress disorder through training, treatment protocols, web-based interventions, and the development of evidence-based interventions; and

(B) to promote pre-deployment resilience and post-deployment readjustment among members of the Armed Forces serving in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Department of Veterans Affairs for fiscal year 2007 $2,000,000 to carry out this subsection.

(c) MENTAL HEALTH OUTREACH.—The Secretary of Veterans Affairs shall—

(1) develop additional educational materials on post-traumatic stress disorder; and

(2) undertake additional efforts to educate veterans about post-traumatic stress disorder.

(d) REVIEW OF PTSD CLINICAL GUIDELINES.—The Secretary of Veterans Affairs shall—

(1) review the clinical guidelines of the Department of Veterans Affairs on post-traumatic stress disorder and all appropriate protocols related to post-traumatic stress disorder;

(2) revise such guidelines and protocols as the Secretary considers appropriate to ensure that clinicians are able to effectively

distinguish between diagnoses with similar symptoms that may manifest as post-traumatic stress disorder, including traumatic brain injury; and

(3) develop performance measures for the treatment of post-traumatic stress disorder among veterans.

SEC. 204. DISCLOSURE OF MEDICAL RECORDS.

(a) LIMITED EXCEPTION TO CONFIDENTIALITY OF MEDICAL RECORDS.—Section 5701 is amended by adding at the end the following new subsection:

''(k)(1)(A) Under regulations that the Secretary shall prescribe, the Secretary may disclose the name and address of any individual described in subparagraph (C) to an entity described in subparagraph (B) in order to facilitate the determination by such entity whether the individual is, or after death will be, a suitable organ, tissue, or eye donor if—

''(i) the individual is near death (as determined by the Secretary) or is deceased; and

''(ii) the disclosure is permitted under regulations promulgated pursuant to section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

''(B) An entity described in this subparagraph is—

''(i) an organ procurement organization, including eye and tissue banks; or

''(ii) an entity that the Secretary has determined—

''(I) is substantially similar in function, professionalism, and reliability to an organ procurement organization; and

''(II) should be treated for purposes of this subsection in the same manner as an organ procurement organization.

''(C) An individual described in this subparagraph is—

''(i) a veteran; or

''(ii) a dependent of veteran.

''(2) In this subsection, the term 'organ procurement organization' has the meaning given the term 'qualified organ procurement organization' in section 371(b) of the Public Health Service Act (42 U.S.C. 273(b)).''.

(b) DISCLOSURES FROM CERTAIN MEDICAL RECORDS.—Section 7332(b)(2) is amended by adding at the end the following new subparagraph:

''(E) To an entity described in paragraph (1)(B) of section 5701(k) of this title, but only to the extent authorized by such section.''.

(c) DEADLINE FOR PRESCRIBING REGULATIONS.—The Secretary of Veterans Affairs shall prescribe regulations under subsection (k) of section 5701 of title 38, United States Code, as added by subsection (a), not later than 180 days after the date of the enactment of this Act.

SEC. 205. EXPANSION OF TELEHEALTH SERVICES.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall increase the number of facilities of the Readjustment Counseling Service that are capable of providing health services and counseling through telehealth linkages with facilities of the Veterans Health Administration.

(b) PLAN.—Not later than July 1, 2007, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a plan to implement the requirement in subsection (a). The plan shall specify which facilities of the Readjustment Counseling Service will have the capabilities described in subsection (a) as of the end of each of fiscal years 2007, 2008, and 2009.

SEC. 206. STRATEGIC PLAN FOR LONG-TERM CARE.

(a) PUBLICATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall publish a strategic plan for the provision of long-term care by the Department of Veterans Affairs.

(b) POLICIES AND STRATEGIES.—The plan published under subsection (a) shall contain policies and strategies for—

(1) the delivery of care in domiciliaries, residential treatment facilities, and nursing homes and for seriously mentally ill veterans;

(2) maximizing the use of State veterans homes;

(3) locating domiciliary units as close to patient populations as feasible; and

(4) identifying freestanding nursing homes as an acceptable care model.

(c) DATA.—The plan published under subsection (a) shall include data on—

(1) the provision of care of catastrophically disabled veterans; and

(2) the geographic distribution of catastrophically disabled veterans.

(d) NONINSTITUTIONAL LONG-TERM CARE OPTIONS.—The plan published under subsection (a) shall address the spectrum of noninstitutional long-term care options, including each of the following:

(1) Respite care.

(2) Home-based primary care.

(3) Geriatric evaluation.

(4) Adult day health care.

(5) Skilled home health care.

(6) Community residential care.

(e) ADDITIONAL MATTERS TO BE INCLUDED.—The plan published under subsection (a) shall provide—

(1) cost and quality comparison analyses of all the different levels of long-term care for veterans;

(2) detailed information about geographic distribution of services and gaps in care; and

(3) specific plans for working with Medicare, Medicaid, and private insurance companies to expand the availability of such care.

SEC. 207. BLIND REHABILITATION OUTPATIENT SPECIALISTS.

(a) FINDINGS.—Congress makes the following findings:

(1) There are approximately 135,000 blind veterans throughout the United States, including approximately 35,000 who are enrolled with the Department of Veterans Affairs. An aging veteran population and injuries incurred in Operation Iraqi Freedom and Operation Enduring Freedom are increasing the number of blind veterans.

(2) Since 1996, when the Department of Veterans Affairs hired its first 14 blind rehabilitation outpatient specialists (referred to in this section as ''Specialists''), Specialists have been a critical part of the continuum of care for blind and visually impaired veterans.

(3) The Department of Veterans Affairs operates 10 residential blind rehabilitation centers that are considered among the best in the world. These centers have had long waiting lists, with as many as 1,500 blind veterans waiting for openings in 2004.

(4) Specialists provide—

(A) critically needed services to veterans who are unable to attend residential centers or are waiting to enter a residential center program;

(B) a range of services for blind veterans, including training with living skills, mobility, and adaptation of manual skills; and

(C) pre-admission screening and follow-up care for blind rehabilitation centers.

(5) There are not enough Specialist positions to meet the increased numbers and needs of blind veterans.

(b) ESTABLISHMENT OF ADDITIONAL SPECIALIST POSITIONS.—Not later than 30 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish an additional Specialist position at not fewer than 35 additional facilities of the Department of Veterans Affairs.

(c) SELECTION OF FACILITIES.—In identifying the most appropriate facilities to receive a Specialist position under this section, the Secretary shall—

(1) give priority to facilities with large numbers of enrolled legally blind veterans;

(2) ensure that each facility does not have such a position; and

(3) ensure that each facility is in need of the services of a Specialist.

(d) COORDINATION.—The Secretary shall coordinate the provision of blind rehabilitation services for veterans with services for the care of the visually impaired offered by State and local agencies, especially to the extent to which such State and local agencies can provide necessary services to blind veterans in settings located closer to the residences of such veterans at similar quality and cost to the veteran.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Department of Veterans Affairs to carry out this section $3,500,000 for each of fiscal years 2007 through 2012.

SEC. 208. EXTENSION OF CERTAIN COMPLIANCE REPORTS.

(a) MANAGEMENT OF HEALTH CARE.—Section 1706(b)(5)(A) is amended by striking ''2004'' and inserting ''2008''.

(b) ADVISORY COMMITTEE ON WOMEN VETERANS.—Section 542(c)(1) is amended by striking ''2004'' and inserting ''2008''.

SEC. 209. PARKINSON'S DISEASE RESEARCH, EDUCATION, AND CLINICAL CENTERS AND MULTIPLE SCLEROSIS CENTERS OF EXCELLENCE.

(a) REQUIREMENT FOR ESTABLISHMENT OF CENTERS.—

(1) IN GENERAL.—Subchapter II of chapter 73 is amended by adding at the end the following new sections:

''§ 7329. Parkinson's Disease research, education, and clinical centers

''(a) ESTABLISHMENT OF CENTERS.—(1) The Secretary, upon the recommendation of the Under Secretary for Health, shall designate not less than six Department health-care facilities as the locations for centers of Parkinson's Disease research, education, and clinical activities.

''(2) Subject to the availability of appropriations for such purpose, the Secretary shall establish and operate centers of Parkinson's Disease research, education, and clinical activities centers at the locations designated pursuant to paragraph (1).

''(b) CRITERIA FOR DESIGNATION OF FACILITIES.—(1) In designating Department health-care facilities for centers under subsection (a), the Secretary, upon the recommendation of the Under Secretary for Health, shall assure appropriate geographic distribution of such facilities.

''(2) Except as provided in paragraph (3), the Secretary shall designate as the location for a center of Parkinson's Disease research, education, and clinical activities pursuant to subsection (a)(1) each Department health-care facility that as of January 1, 2005, was operating a Parkinson's Disease research, education, and clinical center.

''(3) The Secretary may not under subsection (a) designate a facility described in paragraph (2) if (on the recommendation of the Under Secretary for Health) the Secretary determines that such facility—

''(A) does not meet the requirements of subsection (c); or

''(B) has not demonstrated—

''(i) effectiveness in carrying out the established purposes of such center; or

''(ii) the potential to carry out such purposes effectively in the reasonably foreseeable future.

''(c) REQUIREMENTS FOR DESIGNATION.—(1) The Secretary may not designate a Department health-care facility as a location for a

center under subsection (a) unless the peer review panel established under subsection (d) has determined under that subsection that the proposal submitted by such facility as a location for a new center under subsection (a) is among those proposals that meet the highest competitive standards of scientific and clinical merit.

''(2) The Secretary may not designate a Department health-care facility as a location for a center under subsection (a) unless the Secretary (upon the recommendation of the Under Secretary for Health) determines that the facility has (or may reasonably be anticipated to develop) each of the following:

''(A) An arrangement with an accredited medical school that provides education and training in neurology and with which the Department health-care facility is affiliated under which residents receive education and training in innovative diagnosis and treatment of chronic neurodegenerative diseases and movement disorders, including Parkinson's Disease.

''(B) The ability to attract the participation of scientists who are capable of ingenuity and creativity in health-care research efforts.

''(C) An advisory committee composed of veterans and appropriate health-care and research representatives of the Department health-care facility and of the affiliated school or schools to advise the directors of such facility and such center on policy matters pertaining to the activities of the center during the period of the operation of such center.

''(D) The capability to conduct effectively evaluations of the activities of such center.

''(E) The capability to coordinate (as part of an integrated national system) education, clinical, and research activities within all facilities with such centers.

''(F) The capability to jointly develop a consortium of providers with interest in treating neurodegenerative diseases, including Parkinson's Disease and other movement disorders, at facilities without centers established under subsection (a) in order to ensure better access to state-of-the-art diagnosis, care, and education for neurodegenerative disorders throughout the health-care system of the Department.

''(G) The capability to develop a national repository in the health-care system of the Department for the collection of data on health services delivered to veterans seeking care for neurodegenerative diseases, including Parkinson's Disease, and other movement disorders.

''(d) PEER REVIEW PANEL.—(1) The Under Secretary for Health shall establish a panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the establishment of centers under this section.

''(2)(A) The membership of the panel shall consist of experts in neurodegenerative diseases, including Parkinson's Disease and other movement disorders.

''(B) Members of the panel shall serve for a period of no longer than two years, except as specified in subparagraph (C).

''(C) Of the members first appointed to the panel, one half shall be appointed for a period of three years and one half shall be appointed for a period of two years, as designated by the Under Secretary at the time of appointment.

''(3) The panel shall review each proposal submitted to the panel by the Under Secretary and shall submit its views on the relative scientific and clinical merit of each such proposal to the Under Secretary.

''(4) The panel shall not be subject to the Federal Advisory Committee Act.

''(e) PRIORITY OF FUNDING.—Before providing funds for the operation of a center designated under subsection (a) at a Department health-care facility other than at a facility designated pursuant to subsection (b)(2), the Secretary shall ensure that each Parkinson's Disease center at a facility designated pursuant to subsection (b)(2) is receiving adequate funding to enable that center to function effectively in the areas of Parkinson's Disease research, education, and clinical activities.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for the support of the research and education activities of the centers established pursuant to subsection (a). The Under Secretary for Health shall allocate to such centers from other funds appropriated generally for the Department medical services account and medical and prosthetics research account, as appropriate, such amounts as the Under Secretary for Health determines appropriate.

''(g) AWARD COMPETITIONS.—Activities of clinical and scientific investigation at each center established under subsection (a) shall be eligible to compete for the award of funding from funds appropriated for the Department medical and prosthetics research account. Such activities shall receive priority in the award of funding from such account insofar as funds are awarded to projects for research in Parkinson's Disease and other movement disorders.

''§ 7330. Multiple sclerosis centers of excellence

''(a) ESTABLISHMENT OF CENTERS.—(1) The Secretary, upon the recommendation of the Under Secretary for Health, shall designate not less than two Department health-care facilities as the locations for multiple sclerosis centers of excellence.

''(2) Subject to the availability of appropriations for such purpose, the Secretary shall establish and operate multiple sclerosis centers of excellence at the locations designated pursuant to paragraph (1).

''(b) CRITERIA FOR DESIGNATION OF FACILITIES.—(1) In designating Department health-care facilities for centers under subsection (a), the Secretary, upon the recommendation of the Under Secretary for Health, shall assure appropriate geographic distribution of such facilities.

''(2) Except as provided in paragraph (3), the Secretary shall designate as the location for a center pursuant to subsection (a)(1) each Department health-care facility that as of January 1, 2005, was operating a multiple sclerosis center of excellence.

''(3) The Secretary may not under subsection (a) designate a facility described in paragraph (2) if (on the recommendation of the Under Secretary for Health) the Secretary determines that such facility—

''(A) does not meet the requirements of subsection (c); or

''(B) has not demonstrated—

''(i) effectiveness in carrying out the established purposes of such center; or

''(ii) the potential to carry out such purposes effectively in the reasonably foreseeable future.

''(c) REQUIREMENTS FOR DESIGNATION.—(1) The Secretary may not designate a Department health-care facility as a location for a center under subsection (a) unless the peer review panel established under subsection (d) has determined under that subsection that the proposal submitted by such facility as a location for a new center under subsection (a) is among those proposals that meet the highest competitive standards of scientific and clinical merit.

''(2) The Secretary may not designate a Department health-care facility as a location for a center under subsection (a) unless the Secretary (upon the recommendation of the Under Secretary for Health) determines that the facility has (or may reasonably be anticipated to develop) each of the following:

''(A) An arrangement with an accredited medical school that provides education and training in neurology and with which the Department health-care facility is affiliated under which residents receive education and training in innovative diagnosis and treatment of autoimmune diseases affecting the central nervous system, including multiple sclerosis.

''(B) The ability to attract the participation of scientists who are capable of ingenuity and creativity in health-care research efforts.

''(C) An advisory committee composed of veterans and appropriate health-care and research representatives of the Department health-care facility and of the affiliated school or schools to advise the directors of such facility and such center on policy matters pertaining to the activities of the center during the period of the operation of such center.

''(D) The capability to conduct effectively evaluations of the activities of such center.

''(E) The capability to coordinate (as part of an integrated national system) education, clinical, and research activities within all facilities with such centers.

''(F) The capability to jointly develop a consortium of providers with interest in treating multiple sclerosis at facilities without such centers in order to ensure better access to state-of-the-art diagnosis, care, and education for autoimmune disease affecting the central nervous system throughout the health-care system of the Department.

''(G) The capability to develop a national repository in the health-care system of the Department for the collection of data on health services delivered to veterans seeking care for autoimmune disease affecting the central nervous system.

''(d) PEER REVIEW PANEL.—(1) The Under Secretary for Health shall establish a panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the establishment of centers under this section.

''(2)(A) The membership of the panel shall consist of experts in autoimmune disease affecting the central nervous system.

''(B) Members of the panel shall serve for a period of no longer than two years, except as specified in subparagraph (C).

''(C) Of the members first appointed to the panel, one half shall be appointed for a period of three years and one half shall be appointed for a period of two years, as designated by the Under Secretary at the time of appointment.

''(3) The panel shall review each proposal submitted to the panel by the Under Secretary and shall submit its views on the relative scientific and clinical merit of each such proposal to the Under Secretary.

''(4) The panel shall not be subject to the Federal Advisory Committee Act.

''(e) PRIORITY OF FUNDING.—Before providing funds for the operation of a center designated under subsection (a) at a Department health-care facility other than at a facility designated pursuant to subsection (b)(2), the Secretary shall ensure that each multiple sclerosis center at a facility designated pursuant to subsection (b)(2) is receiving adequate funding to enable that center to function effectively in the areas of multiple sclerosis research, education, and clinical activities.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for the support of the research and education activities of the centers established pursuant to subsection

(a). The Under Secretary for Health shall allocate to such centers from other funds appropriated generally for the Department medical services account and medical and prosthetics research account, as appropriate, such amounts as the Under Secretary for Health determines appropriate.

''(g) AWARD COMPETITIONS.—Activities of clinical and scientific investigation at each center established under subsection (a) shall be eligible to compete for the award of funding from funds appropriated for the Department medical and prosthetics research account. Such activities shall receive priority in the award of funding from such account insofar as funds are awarded to projects for research in multiple sclerosis and other neurodegenerative disorders.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7328 the following new items:

''7329. Parkinson's Disease research, education, and clinical centers.
''7330. Multiple sclerosis centers of excellence.''.

(b) EFFECTIVE DATE.—Sections 7329 and 7330 of title 38, United States Code, as added by subsection (a), shall take effect at the end of the 30-day period beginning on the date of the enactment of this Act.

SEC. 210. REPEAL OF TERM OF OFFICE FOR THE UNDER SECRETARY FOR HEALTH AND THE UNDER SECRETARY FOR BENEFITS.

(a) UNDER SECRETARY FOR HEALTH.—

(1) IN GENERAL.—Section 305 is amended by striking subsection (c).

(2) CONFORMING AMENDMENT.—Subsection (d) of such section is redesignated as subsection (c).

(b) UNDER SECRETARY FOR BENEFITS.—

(1) IN GENERAL.—Section 306 is amended by striking subsection (c).

(2) CONFORMING AMENDMENT.—Subsection (d) of such section is redesignated as subsection (c).

SEC. 211. MODIFICATIONS TO STATE HOME AUTHORITIES.

(a) NURSING HOME CARE AND PRESCRIPTION MEDICATIONS IN STATE HOMES FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES.—

(1) NURSING HOME CARE.—Subchapter V of chapter 17 is amended by adding at the end the following new section:

''§ 1745. Nursing home care and medications for veterans with service-connected disabilities

''(a)(1) The Secretary shall pay each State home for nursing home care at the rate determined under paragraph (2), in any case in which such care is provided to any veteran as follows:

''(A) Any veteran in need of such care for a service-connected disability.

''(B) Any veteran who—

''(i) has a service-connected disability rated at 70 percent or more; and

''(ii) is in need of such care.

''(2) The rate determined under this paragraph with respect to a State home is the lesser of—

''(A) the applicable or prevailing rate payable in the geographic area in which the State home is located, as determined by the Secretary, for nursing home care furnished in a non-Department nursing home (as that term is defined in section 1720(e)(2) of this title); or

''(B) a rate not to exceed the daily cost of care, as determined by the Secretary, following a report to the Secretary by the director of the State home.

''(3) Payment by the Secretary under paragraph (1) to a State home for nursing home care provided to a veteran described in that paragraph constitutes payment in full to the State home for such care furnished to that veteran.''.

(2) PROVISION OF PRESCRIPTION MEDICINES.—Such section, as so added, is further amended by adding at the end the following new subsection:

''(b) The Secretary shall furnish such drugs and medicines as may be ordered on prescription of a duly licensed physician as specific therapy in the treatment of illness or injury to any veteran as follows:

''(1) Any veteran who—

''(A) is not being provided nursing home care for which payment is payable under subsection (a); and

''(B) is in need of such drugs and medicines for a service-connected disability.

''(2) Any veteran who—

''(A) has a service-connected disability rated at 50 percent or more;

''(B) is not being provided nursing home care for which payment is payable under subsection (a); and

''(C) is in need of such drugs and medicines.''.

(3) CONFORMING AMENDMENTS.—

(A) CRITERIA FOR PAYMENT.—Section 1741(a)(1) is amended by striking ''The'' and inserting ''Except as provided in section 1745 of this title, the''.

(B) ELIGIBILITY FOR NURSING HOME CARE.—Section 1710(a)(4) is amended—

(i) by striking ''and'' before ''the requirement in section 1710B of this title''; and

(ii) by inserting '', and the requirement in section 1745 of this title to provide nursing home care and prescription medicines to veterans with service-connected disabilities in State homes'' after ''a program of extended care services''.

(4) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 1744 the following new item:

''1745. Nursing home care and medications for veterans with service-connected disabilities.''.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall take effect 90 days after the date of the enactment of this Act.

(b) IDENTIFICATION OF VETERANS IN STATE HOMES.—Such chapter is further amended—

(1) in section 1745, as added by subsection (a)(1) of this section, by adding at the end the following new subsection:

''(c) Any State home that requests payment or reimbursement for services provided to a veteran under this section shall provide to the Secretary such information as the Secretary considers necessary to identify each individual veteran eligible for payment under such section.''; and

(2) in section 1741, by adding at the end the following new subsection:

''(f) Any State home that requests payment or reimbursement for services provided to a veteran under this section shall provide to the Secretary such information as the Secretary considers necessary to identify each individual veteran eligible for payment under such section.''.

(c) AUTHORITY TO TREAT CERTAIN HEALTH FACILITIES AS STATE HOMES.—

(1) AUTHORITY.—Subchapter III of chapter 81 is amended by adding at the end the following new section:

''§ 8138. Treatment of certain health facilities as State homes

''(a) The Secretary may treat a health facility (or certain beds in a health facility) as a State home for purposes of subchapter V of chapter 17 of this title if the following requirements are met:

''(1) The facility (or certain beds in such facility) meets the standards for the provision of nursing home care that are applicable to State homes, as prescribed by the Secretary under section 8134(b) of this title, and such other standards relating to the facility (or certain beds in such facility) as the Secretary may require.

''(2) The facility (or certain beds in such facility) is licensed or certified by the appropriate State and local agencies charged with the responsibility of licensing or otherwise regulating or inspecting State home facilities.

''(3) The State demonstrates in an application to the Secretary that, but for the treatment of a facility (or certain beds in such facility), as a State home under this subsection, a substantial number of veterans residing in the geographic area in which the facility is located who require nursing home care will not have access to such care.

''(4) The Secretary determines that the treatment of the facility (or certain beds in such facility) as a State home best meets the needs of veterans for nursing home care in the geographic area in which the facility is located.

''(5) The Secretary approves the application submitted by the State with respect to the facility (or certain beds in such facility).

''(b) The Secretary may not treat a health facility (or certain beds in a health facility) as a State home under subsection (a) if the Secretary determines that such treatment would increase the number of beds allocated to the State in excess of the limit on the number of beds provided for by regulations prescribed under section 8134(a) of this title.

''(c) The number of beds occupied by veterans in a health facility for which payment may be made under subchapter V of chapter 17 of this title by reason of subsection (a) shall not exceed—

''(1) 100 beds in the aggregate for all States; and

''(2) in the case of any State, the difference between—

''(A) the number of veterans authorized to be in beds in State homes in such State under regulations prescribed under section 8134(a) of this title; and

''(B) the number of veterans actually in beds in State homes (other than facilities or certain beds treated as State homes under subsection (a)) in such State under regulations prescribed under such section.

''(d) The number of beds in a health facility in a State that has been treated as a State home under subsection (a) shall be taken into account in determining the unmet need for beds for State homes for the State under section 8134(d)(1) of this title.

''(e) The Secretary may not treat any new health facilities (or any new certain beds in a health facility) as a State home under subsection (a) after September 30, 2009.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 8137 the following new item:

''8138. Treatment of certain health facilities as State homes.''.

SEC. 212. OFFICE OF RURAL HEALTH.

(a) IN GENERAL.—

(1) ESTABLISHMENT AND FUNCTIONS.—Chapter 73 is amended by inserting after section 7307 the following new section:

''§ 7308. Office of Rural Health

''(a) ESTABLISHMENT.—There is established in the Department within the Office of the Under Secretary for Health an office to be known as the 'Office of Rural Health' (in this section referred to as the 'Office').

''(b) HEAD.—The Director of the Office of Rural Health shall be the head of the Office. The Director of the Office of Rural Health shall be appointed by the Under Secretary of Health from among individuals qualified to perform the duties of the position.

''(c) FUNCTIONS.—The functions of the Office are as follows:

''(1) In cooperation with the medical, rehabilitation, health services, and cooperative studies research programs in the Office of Policy and the Office of Research and Development of the Veterans Health Administration, to assist the Under Secretary for Health in conducting, coordinating, promoting, and disseminating research into issues affecting veterans living in rural areas.

''(2) To work with all personnel and offices of the Department of Veterans Affairs to develop, refine, and promulgate policies, best practices, lessons learned, and innovative and successful programs to improve care and services for veterans who reside in rural areas of the United States.

''(3) To designate in each Veterans Integrated Service Network (VISN) an individual who shall consult on and coordinate the discharge in such Network of programs and activities of the Office for veterans who reside in rural areas of the United States.

''(4) To perform such other functions and duties as the Secretary or the Under Secretary for Health considers appropriate.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7307 the following new item:

''7308. Office of Rural Health.''.

(b) ASSESSMENT OF FEE-BASIS HEALTH-CARE PROGRAM.—The Director of the Office of Rural Health shall conduct an assessment of the effects of the implementation of the fee-basis health-care program of the Veterans Health Administration on the delivery of health-care services to veterans who reside in rural areas of the United States. The assessment shall be conducted in consultation with the individuals designated under subsection (c)(3) of section 7308 of title 38, United States Code, as added by subsection (a). In conducting the assessment, the Director shall—

(1) identify various mechanisms for expanding the program in order to enhance and improve health-care services for such veterans and determine the feasibility and advisability of implementing such mechanisms; and

(2) for each mechanism determined under paragraph (1) to be feasible and advisable to implement, make recommendations to the Under Secretary for Health on the implementation of such mechanism.

(c) PLAN TO IMPROVE ACCESS AND QUALITY OF CARE.—Not later than September 30, 2007, the Director of the Office of Rural Health shall develop a plan to improve the access and quality of care for enrolled veterans in rural areas. The plan shall include—

(1) measures for meeting the long term care needs of rural veterans; and

(2) measures for meeting the mental health needs of veterans residing in rural areas.

(d) REPORT ON COMMUNITY-BASED OUTPATIENT CLINICS AND ACCESS POINTS IDENTIFIED IN CARES MAY 2004 DECISION DOCUMENT.— Not later than March 30, 2007, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report that—

(1) identifies each of the community based outpatient clinics and access points identified in the May 2004 Decision Document of Capital Asset Realignment for Enhanced Services (CARES) that have been opened; and

(2) identifies each of the clinics and access points identified in such report that would be opened in fiscal year 2007 or 2008 if funding were available for such purpose.

SEC. 213. OUTREACH PROGRAM TO VETERANS IN RURAL AREAS.

(a) PROGRAM.—The Secretary of Veterans Affairs shall conduct an extensive outreach program to identify and provide information to veterans who served in the theater of operations for Operation Iraqi Freedom or Operation Enduring Freedom and who reside in rural communities in order to enroll those veterans in the health-care system of the Department of Veterans Affairs during the period when they are eligible for such enrollment.

(b) FEATURES OF PROGRAM.—In carrying out the program under subsection (a), the Secretary shall seek to work at the local level with employers, State agencies, community health centers located in rural areas, rural health clinics, and critical access hospitals located in rural areas, and units of the National Guard and other reserve components based in rural areas, in order to increase the awareness of veterans and their families of the availability of health care provided by the Secretary and the means by which those veterans can achieve access to the health-care services provided by the Department of Veterans Affairs.

SEC. 214. PILOT PROGRAM ON IMPROVEMENT OF CAREGIVER ASSISTANCE SERVICES.

(a) IN GENERAL.—Commencing not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall carry out a pilot program to assess the feasibility and advisability of various mechanisms to expand and improve caregiver assistance services.

(b) DURATION OF PILOT PROGRAM.—The pilot program required by subsection (a) shall be carried out during the two-year period beginning on the date of the commencement of the pilot program.

(c) CAREGIVER ASSISTANCE SERVICES.—For purposes of this section, the term ''caregiver assistance services'' means services of the Department of Veterans Affairs that assist caregivers of veterans. Such services including the following:

(1) Adult-day health care services.

(2) Coordination of services needed by veterans, including services for readjustment and rehabilitation.

(3) Transportation services.

(4) Caregiver support services, including education, training, and certification of family members in caregiver activities.

(5) Home care services.

(6) Respite care.

(7) Hospice services.

(8) Any modalities of non-institutional long-term care.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Veterans Affairs $5,000,000 for each of fiscal years 2007 and 2008 to carry out the pilot program authorized by this section.

(e) ALLOCATION OF FUNDS TO FACILITIES.—The Secretary shall allocate funds appropriated pursuant to the authorization of appropriations in subsection (d) to individual medical facilities of the Department in such amounts as the Secretary determines appropriate, based upon proposals submitted by such facilities for the use of such funds for improvements to the support of the provision of caregiver assistance services. Special consideration should be given to rural facilities, including those without a long-term care facility of the Department.

(f) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the implementation of this section. The report shall include—

(1) a description and assessment of the activities carried out under the pilot program;

(2) information on the allocation of funds to facilities of the Department under subsection (e); and

(3) a description of the improvements made with funds so allocated to the support of the provision of caregiver assistance services.

SEC. 215. EXPANSION OF OUTREACH ACTIVITIES OF VET CENTERS.

(a) ADDITIONAL OUTREACH WORKERS.—The Secretary of Veterans Affairs shall employ not fewer than 100 veterans for the purpose of providing outreach to veterans on the availability of readjustment counseling and related mental health services for veterans under section 1712A of title 38, United States Code.

(b) CONSTRUCTION WITH CURRENT OUTREACH PROGRAM.—The veterans employed under subsection (a) are in addition to any veterans employed by the Secretary for the purpose described in that subsection under the February 2004 program of the Department of Veterans Affairs to provide outreach described in that subsection.

(c) ASSIGNMENT TO VET CENTERS.—The Secretary may assign any veteran employed under subsection (a) to any center for the provision of readjustment counseling and related mental health services under section 1712A of title 38, United States Code, that the Secretary considers appropriate in order to meet the purpose described in that subsection.

(d) INAPPLICABILITY AND TERMINATION OF LIMITATION ON DURATION OF EMPLOYMENT.—Any limitation on the duration of employment of veterans under the program described in subsection (b) is hereby terminated and shall not apply to veterans employed under such program or under this section.

(e) EMPLOYMENT STATUS.—Veterans employed under subsection (a) shall be employed in career conditional status, which is the employment status in which veterans are employed under the program described in subsection (b).

SEC. 216. CLARIFICATION AND ENHANCEMENT OF BEREAVEMENT COUNSELING.

(a) CLARIFICATION OF MEMBERS OF IMMEDIATE FAMILY ELIGIBLE FOR COUNSELING.—Subsection (b) of section 1783 is amended—

(1) by inserting ''(1)'' before ''The Secretary''; and

(2) by adding at the end the following new paragraph:

''(2) For purposes of this subsection, the members of the immediate family of a member of the Armed Forces described in paragraph (1) include the parents of such member.''.

(b) PROVISION OF COUNSELING THROUGH VET CENTERS.—Such section is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) PROVISION OF COUNSELING THROUGH VET CENTERS.—Bereavement counseling may be provided under this section through the facilities and personnel of centers for the provision of readjustment counseling and related mental health services under section 1712A of this title.''.

SEC. 217. FUNDING FOR VET CENTER PROGRAM.

There are authorized to be appropriated to the Department of Veterans Affairs for fiscal year 2007 $180,000,000 for the provision of readjustment counseling and related mental health services through centers under section 1712A of title 38, United States Code.

TITLE III—EDUCATION MATTERS

SEC. 301. EXPANSION OF ELIGIBILITY FOR SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE PROGRAM.

(a) EXPANSION OF ELIGIBILITY.—Section 3501(a)(1) is amended—

(1) in the matter preceding subparagraph (A), by striking ''means—'' and inserting ''means any of the following:'';

(2) in each of subparagraphs (A) through (D), by capitalizing the first letter of the first word;

(3) in subparagraph (A)—

(A) by inserting after ''a person who'' the following: '', as a result of qualifying service'';

(B) by striking the comma at the end of clause (i) and inserting ''; or'';

(C) by striking '', or'' at the end of clause (ii) and inserting a period; and

(D) by striking clause (iii);

(4) in subparagraph (B) by striking the comma at the end and inserting the following: ''sustained during a period of qualifying service.'';

(5) in subparagraph (C)—

(A) by inserting ''or child'' after ''the spouse''; and

(B) by striking '', or'' at the end and inserting a period;

(6) in subparagraph (D)—

(A) in clause (i), by inserting before the comma the following: ''sustained during a period of qualifying service''; and

(B) by striking the comma at the end and inserting a period;

(7) by inserting after subparagraph (D) the following new subparagraph:

''(E) The spouse or child of a person who—

''(i) at the time of the Secretary's determination under clause (ii), is a member of the Armed Forces who is hospitalized or receiving outpatient medical care, services, or treatment;

''(ii) the Secretary determines has a total disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service; and

''(iii) is likely to be discharged or released from such service for such disability.''; and

(8) by striking ''arising out of'' and all that follows through the end.

(b) CONFORMING AMENDMENTS TO CHAPTER 35.—Chapter 35 is amended as follows:

(1) Section 3501(a) is amended by adding at the end the following new paragraph:

''(12) The term 'qualifying service' means service in the active military, naval, or air service after the beginning of the Spanish-American War that did not terminate under dishonorable conditions.''.

(2) Section 3511 is amended—

(A) in subsection (a)(1)—

(i) by striking ''Each eligible person'' and inserting the following: ''Each eligible person, whether made eligible by one or more of the provisions of section 3501(a)(1) of this title,'';

(ii) by striking ''a period'' and inserting ''an aggregate period''; and

(iii) by striking the second sentence;

(B) in subsection (b)—

(i) in paragraph (2)—

(I) by striking ''the provisions of section 3501(a)(1)(A)(iii) or'' and inserting ''section''; and

(II) by striking ''or'' at the end;

(ii) in paragraph (3)—

(I) by striking ''section 3501(a)(1)(D)'' and inserting ''subparagraph (D) or (E) of section 3501(a)(1)''; and

(II) by inserting ''or'' after the comma at the end; and

(iii) by inserting after paragraph (3) the following new paragraph:

''(4) the parent or spouse from whom such eligibility is derived based upon subparagraph (E) of section 3501(a)(1) of this title no longer meets a requirement under clause (i), (ii), or (iii) of that subparagraph,''; and

(C) by striking subsection (c).

(3) Section 3512 is amended—

(A) in subsection (a)—

(i) by striking ''an eligible person (within the meaning of section 3501(a)(1)(A) of this title)'' and inserting ''an eligible person whose eligibility is based on the death or disability of a parent or on a parent being listed in one of the categories referred to in section 3501(a)(1)(C) of this title''; and

(ii) in paragraph (6), by striking ''the provisions of section 3501(a)(1)(A)(iii)'' and inserting ''a parent being listed in one of the categories referred to in section 3501(a)(1)(C)'';

(B) in subsection (b)—

(i) in paragraph (1)(A)—

(I) by inserting after ''section 3501(a)(1) of this title'' the following: ''or a person made eligible by the disability of a spouse under section 3501(a)(1)(E) of this title''; and

(II) by striking ''or 3501(a)(1)(D)(ii) of this title'' and inserting ''3501(a)(1)(D)(ii), or 3501(a)(1)(E) of this title'';

(ii) in paragraph (1)(B), by adding at the end the following new clause:

''(iii) The date on which the Secretary notifies the member of the Armed Forces from whom eligibility is derived that the member has a total disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service.''; and

(iii) in paragraph (2)—

(I) by striking ''or (D) of this title'' and inserting ''(D), or (E) of this title''; and

(II) by inserting ''whose eligibility is based on the death or disability of a spouse or on a spouse being listed in one of the categories referred to in section 3501(a)(1)(C) of this title'' after ''of this title)'';

(C) in subsection (d), by striking ''veteran'' and inserting ''person''; and

(D) in subsection (e)—

(i) by inserting ''based on a spouse being listed in one of the categories referred to in section 3501(a)(1)(C) of this title'' after ''of this title'';

(ii) by inserting ''so'' after ''the spouse was''; and

(iii) by striking ''by the Secretary'' and all that follows through ''occurs''.

(4) Section 3540 is amended by striking ''(as defined in subparagraphs (A), (B), and (D) of section 3501(a)(1) of this title)'' and inserting ''(other than a person made eligible under subparagraph (C) of such section by reason of a spouse being listed in one of the categories referred to in that subparagraph)''.

(5) Section 3563 is amended by striking ''each eligible person defined in section 3501(a)(1)(A) of this title'' and inserting ''each eligible person whose eligibility is based on the death or disability of a parent or on a parent being listed in one of the categories referred to in section 3501(a)(1)(C) of this title''.

(c) OTHER CONFORMING AMENDMENTS.—Such title is further amended as follows:

(1) Section 3686(a)(1) is amended by striking ''or (D)'' and inserting ''(D), or (E)''.

(2) Section 5113(b)(3) is amended—

(A) in subparagraph (B) by striking ''section 3501(a)(1)'' and all that follows through the end and inserting the following: ''subparagraphs (A), (B), (D), and (E) of section 3501(a)(1) of this title.''; and

(B) in subparagraph (C)—

(i) by striking ''such veteran's death'' and inserting ''the death of the person from whom such eligibility is derived''; and

(ii) by striking ''such veteran's service-connected total disability permanent in nature'' and inserting ''the service-connected total disability permanent in nature (or, in the case of a person made eligible under section 3501(a)(1)(E), the total disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service) of the person from whom such eligibility is derived''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to a payment of educational assistance for a course of education pursued after the date of the enactment of this Act.

SEC. 302. RESTORATION OF LOST ENTITLEMENT FOR INDIVIDUALS WHO DISCONTINUE A PROGRAM OF EDUCATION BECAUSE OF BEING ORDERED TO FULL-TIME NATIONAL GUARD DUTY.

(a) RESTORATION OF ENTITLEMENT.—Section 3511(a)(2)(B)(i) is amended by inserting after ''title 10'' the following: ''or of being involuntarily ordered to full-time National Guard duty under section 502(f) of title 32''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to a payment of educational assistance allowance made after September 11, 2001.

SEC. 303. EXCEPTION FOR INSTITUTIONS OFFERING GOVERNMENT-SPONSORED NONACCREDITED COURSES TO REQUIREMENT OF REFUNDING UNUSED TUITION.

Section 3676(c)(13) is amended by striking ''prior to completion'' and all that follows and inserting the following: ''before completion and—

''(A) in the case of an institution (other than (i) a Federal, State, or local Government institution or (ii) an institution described in subparagraph (B)), such policy provides that the amount charged to the eligible person for tuition, fees, and other charges for a portion of the course shall not exceed the approximate pro rata portion of the total charges for tuition, fees, and other charges that the length of the completed portion of the course bears to its total length; or

''(B) in the case of an institution that is a nonaccredited public educational institution, the institution has and maintains a refund policy regarding the unused portion of tuition, fees, and other charges that is substantially the same as the refund policy followed by accredited public educational institutions located within the same State as such institution.''.

SEC. 304. EXTENSION OF WORK-STUDY ALLOWANCE.

Section 3485(a)(4) is amended by striking ''December 27, 2006'' each place it appears and inserting ''June 30, 2007''.

SEC. 305. DEADLINE AND EXTENSION OF REQUIREMENT FOR REPORT ON EDUCATIONAL ASSISTANCE PROGRAM.

(a) DEADLINE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall each submit to Congress a report containing the information specified in subsections (b) and (c) of section 3036 of title 38, United States Code.

(b) EXTENSION OF REQUIREMENT.—Subsection (d) of section 3036 of title 38, United States Code, is amended by striking ''January 1, 2005'' and inserting ''January 1, 2011''.

SEC. 306. REPORT ON IMPROVEMENT IN ADMINISTRATION OF EDUCATIONAL ASSISTANCE BENEFITS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the administration of education benefits, including benefits under chapters 30, 31, 32, 34, 35, and 36 of title 38, United States Code, and chapters 1606 and 1607 of title 10, United States Code. Such report shall propose methods to streamline the processes and procedures of administering such benefits.

SEC. 307. TECHNICAL AMENDMENTS RELATING TO EDUCATION LAWS.

Section 3485 is amended—

(1) in subsection (a)(4)(E), by inserting ''or 1607'' after ''chapter 1606'';

(2) in subsection (b), by striking ''chapter 106'' and inserting ''chapter 1606 or 1607''; and

(3) in subsection (e)(1)—

(A) by striking ''services of the kind described in clauses (A) through (E) of subsection (a)(1) of this section'' and inserting ''a qualifying work-study activity described in subsection (a)(4)''; and

(B) by striking ''chapter 106'' and inserting ''chapter 1606 or 1607''.

TITLE IV—NATIONAL CEMETERY AND MEMORIAL AFFAIRS MATTERS

SEC. 401. PROVISION OF GOVERNMENT MEMORIAL HEADSTONES OR MARKERS AND MEMORIAL INSCRIPTIONS FOR DECEASED DEPENDENT CHILDREN OF VETERANS WHOSE REMAINS ARE UNAVAILABLE FOR BURIAL.

(a) PROVISION OF MEMORIAL HEADSTONES OR MARKERS.—Subsection (b) of section 2306 is amended—

(1) in paragraph (2), by adding at the end the following new subparagraph:

''(C) An eligible dependent child of a veteran.''; and

(2) by adding at the end the following new paragraph:

''(5) For purposes of this section, the term 'eligible dependent child' means a child—

''(A) who is under 21 years of age, or under 23 years of age if pursuing a course of instruction at an approved educational institution; or

''(B) who is unmarried and became permanently physically or mentally disabled and incapable of self-support before reaching 21 years of age, or before reaching 23 years of age if pursuing a course of instruction at an approved educational institution.''.

(b) ADDITION OF MEMORIAL INSCRIPTION TO HEADSTONE OR MARKER OF VETERAN.—Subsection (f) of such section is amended by inserting ''or eligible dependent child'' after ''surviving spouse'' both places it appears.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to individuals dying after the date of the enactment of this Act.

SEC. 402. PROVISION OF GOVERNMENT MARKERS FOR MARKED GRAVES OF VETERANS AT PRIVATE CEMETERIES.

(a) EXTENSION OF AUTHORITY.—Paragraph (3) of subsection (d) of section 2306 is amended by striking ''December 31, 2006'' and inserting ''December 31, 2007''.

(b) PROVISION OF HEADSTONE OR MARKER.—

(1) IN GENERAL.—Such subsection is further amended—

(A) in paragraph (1)—

(i) in the first sentence, by striking ''Government marker'' and inserting ''Government headstone or marker''; and

(ii) in the second sentence, by inserting ''headstone or'' before ''marker'' each place it appears; and

(B) in paragraph (2), by inserting ''headstone or'' before ''marker''.

(2) CONFORMING AMENDMENT.—Subsection (g)(3) of such section is amended by inserting ''headstone or'' before ''marker''.

(c) PLACEMENT OF HEADSTONE OR MARKER.—The second sentence of subsection (d)(1) of such section, as amended by subsection (b)(1)(A)(ii), is further amended by inserting before the period the following: '', or, if placement on the grave is impossible or impracticable, as close as possible to the grave within the grounds of the cemetery in which the grave is located''.

(d) DELIVERY OF HEADSTONE OR MARKER.—Subsection (d)(2) of such section, as amended by subsection (b)(1)(B), is further amended by inserting before the period the following: ''or to a receiving agent for delivery to the cemetery''.

(e) REPEAL OF OBSOLETE REPORT REQUIREMENT.—Subsection (d) of such section is further amended by striking paragraph (4).

(f) SCOPE OF HEADSTONES AND MARKERS FURNISHED.—Subsection (d) of such section is further amended by inserting after paragraph (3) the following new paragraph (4):

''(4) The headstone or marker furnished under this subsection shall be the headstone or marker selected by the individual making the request from among all the headstones and markers made available by the Government for selection.''.

SEC. 403. ELIGIBILITY OF INDIAN TRIBAL ORGANIZATIONS FOR GRANTS FOR THE ESTABLISHMENT OF VETERANS CEMETERIES ON TRUST LANDS.

Section 2408 is amended by adding at the end the following new subsection:

''(f)(1) The Secretary may make grants under this subsection to any tribal organization to assist the tribal organization in establishing, expanding, or improving veterans' cemeteries on trust land owned by, or held in trust for, the tribal organization.

''(2) Grants under this subsection shall be made in the same manner, and under the same conditions, as grants to States are made under the preceding provisions of this section.

''(3) For purposes of this subsection:

''(A) The term 'tribal organization' has the meaning given that term in section 3765(4) of this title.

''(B) The term 'trust land' has the meaning given that term in section 3765(1) of this title.''.

SEC. 404. REMOVAL OF REMAINS OF RUSSELL WAYNE WAGNER FROM ARLINGTON NATIONAL CEMETERY.

(a) REMOVAL OF REMAINS.—The Secretary of the Army shall remove the remains of Russell Wayne Wagner from Arlington National Cemetery.

(b) NOTIFICATION OF NEXT-OF-KIN.—The Secretary of the Army shall—

(1) notify the next-of-kin of record for Russell Wayne Wagner of the impending removal of his remains; and

(2) upon removal, relinquish the remains to the next-of-kin of record for Russell Wayne Wagner or, if the next-of-kin of record for Russell Wayne Wagner is unavailable, arrange for an appropriate disposition of the remains.

TITLE V—HOUSING AND SMALL BUSINESS MATTERS

SEC. 501. RESIDENTIAL COOPERATIVE HOUSING UNITS.

(a) HOUSING BENEFITS FOR COOPERATIVE HOUSING UNITS.—Subsection (a) of section 3710 is amended by inserting after paragraph (11) the following new paragraph:

''(12) With respect to a loan guaranteed after the date of the enactment of this paragraph and before the date that is five years after that date, to purchase stock or membership in a cooperative housing corporation for the purpose of entitling the veteran to occupy for dwelling purposes a single family residential unit in a development, project, or structure owned or leased by such corporation, in accordance with subsection (h).''.

(b) CONDITIONS OF HOUSING BENEFITS FOR COOPERATIVE HOUSING UNITS.—Such section is further amended by adding at the end the following new subsection:

''(h)(1) A loan may not be guaranteed under subsection (a)(12) unless—

''(A) the development, project, or structure of the cooperative housing corporation complies with such criteria as the Secretary prescribes in regulations; and

''(B) the dwelling unit that the purchase of stock or membership in the development, project, or structure of the cooperative housing corporation entitles the purchaser to occupy is a single family residential unit.

''(2) In this subsection, the term 'cooperative housing corporation' has the meaning given such term in section 216(b)(1) of the Internal Revenue Code of 1986.

''(3) When applying the term 'value of the property' to a loan guaranteed under subsection (a)(12), such term means the appraised value of the stock or membership entitling the purchaser to the permanent occupancy of the dwelling unit in the development, project, or structure of the cooperative housing corporation.''.

SEC. 502. DEPARTMENT OF VETERANS AFFAIRS GOALS FOR PARTICIPATION BY SMALL BUSINESSES OWNED AND CONTROLLED BY VETERANS IN PROCUREMENT CONTRACTS.

(a) GOALS.—

(1) IN GENERAL.—Subchapter II of chapter 81 is amended by adding at the end the following new section:

''§ 8127. Small business concerns owned and controlled by veterans: contracting goals and preferences

''(a) CONTRACTING GOALS.—(1) In order to increase contracting opportunities for small business concerns owned and controlled by veterans and small business concerns owned and controlled by veterans with service-connected disabilities, the Secretary shall—

''(A) establish a goal for each fiscal year for participation in Department contracts (including subcontracts) by small business concerns owned and controlled by veterans who are not veterans with service-connected disabilities in accordance with paragraph (2); and

''(B) establish a goal for each fiscal year for participation in Department contracts (including subcontracts) by small business concerns owned and controlled by veterans with service-connected disabilities in accordance with paragraph (3).

''(2) The goal for a fiscal year for participation under paragraph (1)(A) shall be determined by the Secretary.

''(3) The goal for a fiscal year for participation under paragraph (1)(B) shall be not less than the Government-wide goal for that fiscal year for participation by small business concerns owned and controlled by veterans with service-connected disabilities under section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)).

''(4) The Secretary shall establish a review mechanism to ensure that, in the case of a subcontract of a Department contract that is counted for purposes of meeting a goal established pursuant to this section, the subcontract was actually awarded to a business concern that may be counted for purposes of meeting that goal.

''(b) USE OF NONCOMPETITIVE PROCEDURES FOR CERTAIN SMALL CONTRACTS.—For purposes of meeting the goals under subsection (a), and in accordance with this section, in entering into a contract with a small business concern owned and controlled by veterans for an amount less than the simplified acquisition threshold (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)), a contracting officer of the Department may use procedures other than competitive procedures.

''(c) SOLE SOURCE CONTRACTS FOR CONTRACTS ABOVE SIMPLIFIED ACQUISITION THRESHOLD.—For purposes of meeting the goals under subsection (a), and in accordance with this section, a contracting officer of the Department may award a contract to a small business concern owned and controlled by veterans using procedures other than competitive procedures if—

''(1) such concern is determined to be a responsible source with respect to performance of such contract opportunity;

''(2) the anticipated award price of the contract (including options) will exceed the simplified acquisition threshold (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)) but will not exceed $5,000,000; and

''(3) in the estimation of the contracting officer, the contract award can be made at a fair and reasonable price that offers best value to the United States.

''(d) USE OF RESTRICTED COMPETITION.—Except as provided in subsections (b) and (c), for purposes of meeting the goals under subsection (a), and in accordance with this section, a contracting officer of the Department shall award contracts on the basis of competition restricted to small business concerns owned and controlled by veterans if the contracting officer has a reasonable expectation that two or more small business concerns owned and controlled by veterans will submit offers and that the award can be made at a fair and reasonable price that offers best value to the United States.

''(e) ELIGIBILITY OF SMALL BUSINESS CONCERNS.—A small business concern may be awarded a contract under this section only if the small business concern and the veteran owner of the small business concern are listed in the database of veteran-owned businesses maintained by the Secretary under subsection (f).

''(f) DATABASE OF VETERAN-OWNED BUSINESSES.—(1) Subject to paragraphs (2) through (6), the Secretary shall maintain a database of small business concerns owned and controlled by veterans and the veteran owners of such business concerns.

''(2) To be eligible for inclusion in the database, such a veteran shall submit to the Secretary such information as the Secretary may require with respect to the small business concern or the veteran.

''(3) Information maintained in the database shall be submitted on a voluntary basis by such veterans.

''(4) In maintaining the database, the Secretary shall carry out at least the following two verification functions:

''(A) Verification that each small business concern listed in the database is owned and controlled by veterans.

''(B) In the case of a veteran who indicates a service-connected disability, verification of the service-disabled status of such veteran.

''(5) The Secretary shall make the database available to all Federal departments and agencies and shall notify each such department and agency of the availability of the database.

''(6) If the Secretary determines that the public dissemination of certain types of information maintained in the database is inappropriate, the Secretary shall take such steps as are necessary to maintain such types of information in a secure and confidential manner.

''(g) ENFORCEMENT PENALTIES FOR MISREPRESENTATION.—Any business concern that is determined by the Secretary to have misrepresented the status of that concern as a small business concern owned and controlled by veterans or as a small business concern owned and controlled by service-disabled veterans for purposes of this subsection shall be debarred from contracting with the Department for a reasonable period of time, as determined by the Secretary.

''(h) TREATMENT OF BUSINESSES AFTER DEATH OF VETERAN-OWNER.—(1) Subject to paragraph (3), if the death of a veteran causes a small business concern to be less than 51 percent owned by one or more veterans, the surviving spouse of such veteran who acquires ownership rights in such small business concern shall, for the period described in paragraph (2), be treated as if the surviving spouse were that veteran for the purpose of maintaining the status of the small business concern as a small business concern owned and controlled by veterans.

''(2) The period referred to in paragraph (1) is the period beginning on the date on which the veteran dies and ending on the earliest of the following dates:

''(A) The date on which the surviving spouse remarries.

''(B) The date on which the surviving spouse relinquishes an ownership interest in the small business concern.

''(C) The date that is ten years after the date of the veteran's death.

''(3) Paragraph (1) only applies to a surviving spouse of a veteran with a service-connected disability rated as 100 percent disabling or who dies as a result of a service-connected disability.

''(i) PRIORITY FOR CONTRACTING PREFERENCES.—Preferences for awarding contracts to small business concerns shall be applied in the following order of priority:

''(1) Contracts awarded pursuant to subsection (b), (c), or (d) to small business concerns owned and controlled by veterans with service-connected disabilities.

''(2) Contracts awarded pursuant to subsection (b), (c), or (d) to small business concerns owned and controlled by veterans that are not covered by paragraph (1).

''(3) Contracts awarded pursuant to—

''(A) section 8(a) of the Small Business Act (15 U.S.C. 637(a)); or

''(B) section 31 of such Act (15 U.S.C. 657a).

''(4) Contracts awarded pursuant to any other small business contracting preference.

''(j) ANNUAL REPORTS.—Not later than December 31 each year, the Secretary shall submit to Congress a report on small business contracting during the fiscal year ending in such year. Each report shall include, for the fiscal year covered by such report, the following:

''(1) The percentage of the total amount of all contracts awarded by the Department during that fiscal year that were awarded to small business concerns owned and controlled by veterans.

''(2) The percentage of the total amount of all such contracts awarded to small business concerns owned and controlled by veterans with service-connected disabilities.

''(3) The percentage of the total amount of all contracts awarded by each Administration of the Department during that fiscal year that were awarded to small business concerns owned and controlled by veterans.

''(4) The percentage of the total amount of all contracts awarded by each such Administration during that fiscal year that were awarded to small business concerns owned and controlled by veterans with service-connected disabilities.

''(k) DEFINITIONS.—In this section:

''(1) The term 'small business concern' has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

''(2) The term 'small business concern owned and controlled by veterans' means a small business concern—

''(A)(i) not less than 51 percent of which is owned by one or more veterans or, in the case of a publicly owned business, not less than 51 percent of the stock of which is owned by one or more veterans; and

''(ii) the management and daily business operations of which are controlled by one or more veterans; or

''(B) not less than 51 percent of which is owned by one or more veterans with service-connected disabilities that are permanent and total who are unable to manage the daily business operations of such concern or, in the case of a publicly owned business, not less than 51 percent of the stock of which is owned by one or more such veterans.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 8126 the following new item:

''8127. Small business concerns owned and controlled by veterans: contracting goals and preferences.''.

(b) TRANSITION RULE.—A small business concern that is listed in any small business database maintained by the Secretary of Veterans Affairs on the date of the enactment of this Act shall be presumed to be eligible for inclusion in the database under subsection (f) of section 8127 of title 38, United States Code, as added by subsection (a), during the period beginning on the effective date of that section and ending one year after such effective date. Such a small business concern may be removed from the database during that period if it is found not to be a small business concern owned and controlled by veterans (as defined in subsection (k) of such section).

(c) COMPTROLLER GENERAL STUDY AND REPORT.—

(1) STUDY REQUIRED.—During the first three fiscal years for which this section is in effect, the Comptroller General shall conduct a study on the efforts made by the Secretary of Veterans Affairs to meet the contracting goals established pursuant to section 8127 of title 38, United States Code, as added by subsection (a).

(2) INFORMATION TO CONGRESS ON STUDY.—On or before January 31 of each year during which the Comptroller General conducts the study under paragraph (1), the Comptroller General shall brief Congress on such study, placing special emphasis on any structural or organizational issues within the Department of Veterans Affairs that might act as an impediment to reaching such contracting goals.

(3) REPORT.—Not later than 180 days after the end of the three-year period during which the Comptroller General conducts the study under paragraph (1), the Comptroller General shall submit to Congress a report on the findings of such study.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act.

SEC. 503. DEPARTMENT OF VETERANS AFFAIRS CONTRACTING PRIORITY FOR VETERAN-OWNED SMALL BUSINESSES.

(a) PRIORITY FOR VETERAN-OWNED SMALL BUSINESSES.—

(1) IN GENERAL.—Subchapter II of chapter 81, as amended by section 502 of this Act, is further amended by adding at the end the following new section:

''§ 8128. Small business concerns owned and controlled by veterans: contracting priority

''(a) CONTRACTING PRIORITY.—In procuring goods and services pursuant to a contracting preference under this title or any other provision of law, the Secretary shall give priority to a small business concern owned and controlled by veterans, if such business concern also meets the requirements of that contracting preference.

''(b) DEFINITION.—For purposes of this section, the term 'small business concern owned and controlled by veterans' means a small business concern that is included in the small business database maintained by the Secretary under section 8127(f) of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as so amended, is further amended by inserting after the item relating to section 8127 the following new item:

''8128. Small business concerns owned and controlled by veterans: contracting priority.''.

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act.

TITLE VI—EMPLOYMENT AND TRAINING MATTERS

SEC. 601. TRAINING OF NEW DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES BY NVTI REQUIRED.

(a) TRAINING REQUIRED.—Section 4102A(c) is amended by adding at the end the following new paragraph:

''(8)(A) As a condition of a grant or contract under which funds are made available to a State in order to carry out section 4103A or 4104 of this title, the Secretary shall require the State to require each employee hired by the State who is assigned to perform the duties of a disabled veterans' outreach program specialist or a local veterans' employment representative under this chapter to satisfactorily complete training provided by the National Veterans' Employment and Training Services Institute during the three-year period that begins on the date on which the employee is so assigned.

''(B) For any employee described in subparagraph (A) who does not complete such training during such period, the Secretary may reduce by an appropriate amount the amount made available to the State employing that employee.

''(C) The Secretary may establish such reasonable exceptions to the completion of training otherwise required under subparagraph (A) as the Secretary considers appropriate.''.

(b) SUBMISSION OF EMPLOYEE TRAINING INFORMATION REQUIRED.—Section 4102A(c)(2)(A) is amended—

(1) by redesignating clause (iii) as clause (iv); and

(2) by inserting after clause (ii) the following new clause (iii):

''(iii) For each employee of the State who is assigned to perform the duties of a disabled veterans' outreach program specialist or a local veterans' employment representative under this chapter—

''(I) the date on which the employee is so assigned; and

''(II) whether the employee has satisfactorily completed such training by the National Veterans' Employment and Training Services Institute as the Secretary requires for purposes of paragraph (8).''.

(c) APPLICABILITY.—Paragraph (8) of section 4102A(c) of title 38, United States Code, as added by subsection (a), and clause (iii) of section 4102A(c)(2)(A) of such title, as added by subsection (b), shall apply with respect to a State employee assigned to perform the duties of a disabled veterans' outreach program specialist or a local veterans' employment representative under chapter 41 of such title who is so assigned on or after January 1, 2006.

SEC. 602. RULES FOR PART-TIME EMPLOYMENT FOR DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.

(a) DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS.—Section 4103A is amended by adding at the end the following new subsection:

''(c) PART-TIME EMPLOYEES.—A part-time disabled veterans' outreach program specialist shall perform the functions of a disabled veterans' outreach program specialist under this section on a half-time basis.''.

(b) LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.—Section 4104 is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

''(d) PART-TIME EMPLOYEES.—A part-time local veterans' employment representative shall perform the functions of a local veterans' employment representative under this section on a half-time basis.''.

(c) EFFECTIVE DATE.—Section 4103A(c) of title 38, United States Code, as added by subsection (a), and section 4104(d) of such title, as amended by subsection (b), shall apply with respect to pay periods beginning after the date that is 180 days after the date of the enactment of this Act.

SEC. 603. PERFORMANCE INCENTIVE AWARDS FOR EMPLOYMENT SERVICE OFFICES.

(a) PROVISION OF INCENTIVES TO EMPLOYMENT SERVICE OFFICES.—Section 4112 is amended—

(1) in subsection (a)(1)(B), by inserting ''and employment service offices'' after ''recognize eligible employees''; and

(2) in subsection (c)—

(A) in paragraph (1), by striking ''and'' at the end;

(B) in paragraph (2)—

(i) by striking ''is'' and inserting ''in the case of such an award made to an eligible employee, shall be''; and

(ii) by striking the period at the end and inserting the following: ''; and''; and

(C) by adding at the end the following new paragraph:

''(3) in the case of such an award made to an employment service office, may be used by that employment service office for any purpose.''.

(b) CONFORMING AMENDMENT.—The heading for subsection (c) of such section is amended to read as follows: ''ADMINISTRATION AND USE OF AWARDS.—''.

SEC. 604. DEMONSTRATION PROJECT ON CREDENTIALING AND LICENSURE OF VETERANS.

(a) ESTABLISHMENT OF DEMONSTRATION PROJECT.—

(1) IN GENERAL.—Chapter 41 is amended by adding at the end the following new section:

''§ 4114. Credentialing and licensure of veterans: demonstration project

''(a) DEMONSTRATION PROJECT AUTHORIZED.—The Assistant Secretary for Veterans' Employment and Training may carry out a demonstration project on credentialing in accordance with this section for the purpose of facilitating the seamless transition of members of the Armed Forces from service on active duty to civilian employment.

''(b) IDENTIFICATION OF MILITARY OCCUPATIONAL SPECIALTIES AND ASSOCIATED CREDENTIALS AND LICENSES.—(1) The Assistant Secretary shall select not less than 10 military occupational specialties for purposes of the demonstration project. Each specialty so selected by the Assistant Secretary shall require a skill or set of skills that is required for civilian employment in an industry with high growth or high worker demand.

''(2) The Assistant Secretary shall consult with appropriate Federal, State, and industry officials to identify requirements for credentials, certifications, and licenses that require a skill or set of skills required by a military occupational specialty selected under paragraph (1).

''(3) The Assistant Secretary shall analyze the requirements identified under paragraph (2) to determine which requirements may be satisfied by the skills, training, or experience acquired by members of the Armed Forces with the military occupational specialties selected under paragraph (1).

''(c) ELIMINATION OF BARRIERS TO CREDENTIALING AND LICENSURE.—The Assistant Secretary shall cooperate with appropriate Federal, State, and industry officials to reduce or eliminate any barriers to providing a credential, certification, or license to a veteran who acquired any skill, training, or experience while serving as a member of the Armed Forces with a military occupational specialty selected under subsection (b)(1) that satisfies the Federal and State requirements for the credential, certification, or license.

''(d) TASK FORCE.—The Assistant Secretary may establish a task force of individuals with appropriate expertise to provide assistance to the Assistant Secretary in carrying out this section.

''(e) CONSULTATION.—In carrying out this section, the Assistant Secretary shall consult with the Secretary of Defense, the Secretary of Veterans Affairs, appropriate Federal and State officials, private-sector employers, labor organizations, and industry trade associations.

''(f) CONTRACT AUTHORITY.—For purposes of carrying out any part of the demonstration project under this section, the Assistant Secretary may enter into a contract with a public or private entity with appropriate expertise.

''(g) PERIOD OF PROJECT.—The period during which the Assistant Secretary may carry out the demonstration project under this section shall be the period beginning on the date that is 60 days after the date of the enactment of the Veterans Benefits, Health Care, and Information Technology Act of 2006 and ending on September 30, 2009.

''(h) FUNDING.—The Assistant Secretary may carry out the demonstration project under this section utilizing unobligated funds that are appropriated in accordance with the authorization set forth in section 4106 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''4114. Credentialing and licensure of veterans: demonstration project.''.

(b) MEMBERSHIP OF ADVISORY COMMITTEE ON VETERANS EMPLOYMENT, TRAINING, AND EMPLOYER OUTREACH.—Section 4110(c)(1)(A) is amended—

(1) by striking ''Six'' and inserting ''Seven''; and

(2) by adding at the end the following new clause:

''(vii) The National Governors Association.''.

SEC. 605. DEPARTMENT OF LABOR IMPLEMENTATION OF REGULATIONS FOR PRIORITY OF SERVICE.

Not later than two years after the date of the enactment of this Act, the Secretary of Labor shall prescribe regulations to implement section 4215 of title 38, United States Code.

TITLE VII—HOMELESS VETERANS ASSISTANCE

SEC. 701. REAFFIRMATION OF NATIONAL GOAL TO END HOMELESSNESS AMONG VETERANS.

(a) REAFFIRMATION.—Congress reaffirms the national goal to end chronic homelessness among veterans within a decade of the enactment of the Homeless Veterans Comprehensive Assistance Act of 2001 (Public Law 107–95; 115 Stat. 903).

(b) REAFFIRMATION OF ENCOURAGEMENT OF COOPERATIVE EFFORTS.—Congress reaffirms its encouragement, as specified in the Homeless Veterans Comprehensive Assistance Act of 2001 (Public Law 107–95; 115 Stat. 903), that all departments and agencies of the Federal, State, and local governments, quasi-governmental organizations, private and public sector entities, including community-based organizations, faith-based organizations, and individuals, work cooperatively to end chronic homelessness among veterans.

SEC. 702. SENSE OF CONGRESS ON THE RESPONSE OF THE FEDERAL GOVERNMENT TO THE NEEDS OF HOMELESS VETERANS.

It is the sense of Congress that—

(1) homelessness is a significant problem in the veterans community and veterans are disproportionately represented among the homeless population;

(2) while many effective programs assist homeless veterans to become, once again, productive and self-sufficient members of their communities and society, all the essential services, assistance, and support that homeless veterans require are not currently provided;

(3) federally funded programs for homeless veterans should be held accountable for achieving clearly defined results;

(4) Federal efforts to assist homeless veterans should include prevention of homelessness;

(5) Federal efforts regarding homeless veterans should be particularly vigorous where women veterans have minor children in their care;

(6) Federal agencies, particularly the Department of Veterans Affairs, the Department of Labor, and the Department of Housing and Urban Development, should cooperate more fully to address the problem of homelessness among veterans; and

(7) the programs reauthorized by this title provide important housing and services to homeless veterans.

SEC. 703. AUTHORITY TO MAKE GRANTS FOR COMPREHENSIVE SERVICE PROGRAMS FOR HOMELESS VETERANS.

(a) PERMANENT AUTHORITY.—Section 2011(a) is amended—

(1) by striking paragraph (2); and

(2) in paragraph (1)—

(A) by striking ''(1)''; and

(B) by redesignating subparagraphs (A) through (D) as paragraphs (1) through (4), respectively.

(b) AUTHORIZATION OF APPROPRIATIONS.—The text of section 2013 is amended to read as follows: ''There is authorized to be appropriated to carry out this subchapter $130,000,000 for fiscal year 2007 and each fiscal year thereafter.''.

SEC. 704. EXTENSION OF TREATMENT AND REHABILITATION FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS.

(a) EXTENSION OF AUTHORITY FOR GENERAL TREATMENT.—Section 2031(b) is amended by striking ''December 31, 2006'' and inserting ''December 31, 2011''.

(b) EXTENSION OF AUTHORITY FOR ADDITIONAL SERVICES.—Section 2033(d) is amended by striking ''December 31, 2006'' and inserting ''December 31, 2011''.

SEC. 705. EXTENSION OF AUTHORITY FOR TRANSFER OF PROPERTIES OBTAINED THROUGH FORECLOSURE OF HOME MORTGAGES.

Section 2041(c) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2011''.

SEC. 706. EXTENSION OF FUNDING FOR GRANT PROGRAM FOR HOMELESS VETERANS WITH SPECIAL NEEDS.

Section 2061(c)(1) is amended—

(1) by striking ''Medical Care'' and inserting ''Medical Services''; and

(2) by striking ''fiscal years 2003, 2004, and 2005'' and inserting ''fiscal years 2007 through 2011''.

SEC. 707. EXTENSION OF FUNDING FOR HOMELESS VETERAN SERVICE PROVIDER TECHNICAL ASSISTANCE PROGRAM.

Subsection (b) of section 2064 is amended to read as follows:

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 for each of fiscal years 2007 through 2012 to carry out the program under this section.''.

SEC. 708. ADDITIONAL ELEMENT IN ANNUAL REPORT ON ASSISTANCE TO HOMELESS VETERANS.

Section 2065(b) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

''(5) Information on the efforts of the Secretary to coordinate the delivery of housing and services to homeless veterans with other Federal departments and agencies, including—

''(A) the Department of Defense;

''(B) the Department of Health and Human Services;

''(C) the Department of Housing and Urban Development;

''(D) the Department of Justice;

''(E) the Department of Labor;

''(F) the Interagency Council on Homelessness;

''(G) the Social Security Administration; and

''(H) any other Federal department or agency with which the Secretary coordinates the delivery of housing and services to homeless veterans.''.

SEC. 709. ADVISORY COMMITTEE ON HOMELESS VETERANS.

(a) ADDITIONAL EX OFFICIO MEMBERS.—Subsection (a)(3) of section 2066 is amended by adding at the end the following new subparagraphs:

''(E) The Executive Director of the Interagency Council on Homelessness (or a representative of the Executive Director).

''(F) The Under Secretary for Health (or a representative of the Under Secretary after consultation with the Director of the Office of Homeless Veterans Programs).

''(G) The Under Secretary for Benefits (or a representative of the Under Secretary after consultation with the Director of the Office of Homeless Veterans Programs).''.

(b) EXTENSION.—Subsection (d) of such section is amended by striking ''December 31, 2006'' and inserting ''December 30, 2011''.

SEC. 710. RENTAL ASSISTANCE VOUCHERS FOR VETERANS AFFAIRS SUPPORTED HOUSING PROGRAM.

Section (8)(o)(19)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)(B)) is amended to read as follows:

''(B) AMOUNT.—The amount specified in this subparagraph is—

''(i) for fiscal year 2007, the amount necessary to provide 500 vouchers for rental assistance under this subsection;

''(ii) for fiscal year 2008, the amount necessary to provide 1,000 vouchers for rental assistance under this subsection;

''(iii) for fiscal year 2009, the amount necessary to provide 1,500 vouchers for rental assistance under this subsection;

''(iv) for fiscal year 2010, the amount necessary to provide 2,000 vouchers for rental assistance under this subsection; and

''(v) for fiscal year 2011, the amount necessary to provide 2,500 vouchers for rental assistance under this subsection.''.

TITLE VIII—CONSTRUCTION MATTERS

Subtitle A—Construction and Lease Authorities

SEC. 801. AUTHORIZATION OF FISCAL YEAR 2006 MAJOR MEDICAL FACILITY PROJECTS.

(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out the following major medical facility projects in fiscal year 2006, with each project to be carried out in the amount specified for that project:

(1) Restoration, new construction or replacement of the medical center facility for the Department of Veterans Affairs Medical Center, New Orleans, Louisiana, due to damage from Hurricane Katrina in an amount not to exceed $300,000,000. The Secretary is authorized to carry out the project in or near New Orleans as a collaborative effort consistent with the New Orleans Collaborative Opportunities Study Group Report dated June 12, 2006.

(2) Restoration of the Department of Veterans Affairs Medical Center, Biloxi, Mississippi, and consolidation of services performed at the Department of Veterans Affairs Medical Center, Gulfport, Mississippi, in an amount not to exceed $310,000,000.

(3) Replacement of the Department of Veterans Affairs Medical Center, Denver, Colorado, in an amount not to exceed $98,000,000.

(b) REPORT ON REPLACEMENT OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, DENVER, COLORADO.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report identifying and outlining the various options available to the Department of Veterans Affairs for replacing the current Department of Veterans Affairs Medical Center, Denver, Colorado. The report shall include the following:

(1) The feasibility of entering into a partnership with a Federal, State, or local governmental agency, or a suitable non-profit organization, for the construction and operation of a new facility.

(2) The medical, legal, and financial implications of each of the options identified, including recommendations regarding any statutory changes necessary for the Department of Veterans Affairs to carry out any of the options identified.

(3) A detailed cost-benefit analysis of each of the options identified.

(4) Estimates regarding the length of time and associated costs needed to complete such a facility under each of the options identified.

SEC. 802. EXTENSION OF AUTHORIZATION FOR CERTAIN MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS PREVIOUSLY AUTHORIZED IN CONNECTION WITH CAPITAL ASSET REALIGNMENT INITIATIVE.

The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each such project to be carried out in the amount specified for that project:

(1) Construction of an outpatient clinic and regional office at the Department of Veterans Affairs Medical Center, Anchorage, Alaska, in an amount not to exceed $75,270,000.

(2) Consolidation of clinical and administrative functions of the Department of Veterans Affairs Medical Center, Cleveland, Ohio, and the Department of Veterans Affairs Medical Center in Brecksville, Ohio, in an amount not to exceed $102,300,000.

(3) Construction of the Extended Care Building at the Department of Veterans Affairs Medical Center, Des Moines, Iowa, in an amount not to exceed $25,000,000.

(4) Renovation of patient wards at the Department of Veterans Affairs Medical Center, Durham, North Carolina, in an amount not to exceed $9,100,000.

(5) Correction of patient privacy deficiencies at the Department of Veterans Affairs Medical Center, Gainesville, Florida, in an amount not to exceed $85,200,000.

(6) 7th and 8th floor wards modernization addition at the Department of Veterans Affairs Medical Center, Indianapolis, Indiana, in an amount not to exceed $27,400,000.

(7) Construction of a new Medical Center Facility at the Department of Veterans Affairs Medical Center, Las Vegas, Nevada, in an amount not to exceed $406,000,000.

(8) Construction of an ambulatory surgery/outpatient diagnostic support center in the

Gulf South Submarket of Veterans Integrated Service Network (VISN) 8 and completion of Phase I land purchase, Lee County, Florida, in an amount not to exceed $65,100,000.

(9) Seismic corrections, Buildings 7 and 126 at the Department of Veterans Affairs Medical Center, Long Beach, California, in an amount not to exceed $107,845,000.

(10) Seismic Corrections, Buildings 500 and 501 at the Department of Veterans Affairs Medical Center, Los Angeles, California, in an amount not to exceed $79,900,000.

(11) Construction of a new medical center facility in the Orlando, Florida, area in an amount not to exceed $377,700,000.

(12) Consolidation of campuses at the University Drive and H. John Heinz III divisions, Pittsburgh, Pennsylvania, in an amount not to exceed $189,205,000.

(13) Ward upgrades and expansion at the Department of Veterans Affairs Medical Center, San Antonio, Texas, in an amount not to exceed $19,100,000.

(14) Construction of a spinal cord injury center at the Department of Veterans Affairs Medical Center, Syracuse, New York, in an amount not to exceed $77,700,000.

(15) Upgrade essential electrical distribution systems at the Department of Veterans Affairs Medical Center, Tampa, Florida, in an amount not to exceed $49,000,000.

(16) Expansion of the spinal cord injury center addition at the Department of Veterans Affairs Medical Center, Tampa, Florida, in an amount not to exceed $7,100,000.

(17) Blind Rehabilitation and Psychiatric Bed renovation and new construction project at the Department of Veterans Affairs Medical Center, Temple, Texas, in an amount not to exceed $56,000,000.

SEC. 803. AUTHORIZATION OF FISCAL YEAR 2007 MAJOR MEDICAL FACILITY PROJECTS.

The Secretary of Veterans Affairs may carry out the following major medical facility projects in fiscal year 2007 in the amount specified for each project:

(1) Seismic Corrections, Nursing Home Care Unit and Dietetics at the Department of Veterans Affairs Medical Center, American Lake, Washington, in an amount not to exceed $38,220,000.

(2) Replacement of Operating Suite at the Department of Veterans Affairs Medical Center, Columbia, Missouri, in an amount not to exceed $25,830,000.

(3) Construction of a new clinical addition at the Department of Veterans Affairs Medical Center, Fayetteville, Arkansas, in an amount not to exceed $56,163,000.

(4) Construction of Spinal Cord Injury Center at the Department of Veterans Affairs Medical Center, Milwaukee, Wisconsin, in an amount not to exceed $32,500,000.

(5) Medical facility improvements and cemetery expansion of Jefferson Barracks at the Department of Veterans Affairs Medical Center, St. Louis, Missouri, in an amount not to exceed $69,053,000.

SEC. 804. AUTHORIZATION OF ADVANCE PLANNING AND DESIGN FOR A MAJOR MEDICAL FACILITY, CHARLESTON, SOUTH CAROLINA.

(a) AGREEMENT AUTHORIZED.—The Secretary of Veterans Affairs may enter into an agreement with the Medical University of South Carolina to design, and plan for the operation of, a co-located joint-use medical facility in Charleston, South Carolina, to replace the Ralph H. Johnson Department of Veterans Affairs Medical Center, Charleston, South Carolina.

(b) COST LIMITATION.—Advance planning and design for a co-located, joint-use medical facility in Charleston, South Carolina, under subsection (a) shall be carried out in an amount not to exceed $36,800,000.

(c) LIMITATION ON NAMING.—A joint-use medical facility referred to in subsection (a) may not be named by the Secretary of Veterans Affairs or any other entity after any living Member or former Member of the Senate or House of Representatives.

SEC. 805. AUTHORIZATION OF FISCAL YEAR 2006 MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may carry out the following major medical facility leases in fiscal year 2006 at the locations specified, and in an amount for each lease not to exceed the amount shown for such location:

(1) For an outpatient clinic, Baltimore, Maryland, $10,908,000.

(2) For an outpatient clinic, Evansville, Indiana, $8,989,000.

(3) For an outpatient clinic, Smith County, Texas, $5,093,000.

SEC. 806. AUTHORIZATION OF FISCAL YEAR 2007 MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may carry out the following major medical facility leases in fiscal year 2007 at the locations specified, and in an amount for each lease not to exceed the amount shown for such location:

(1) For an outpatient and specialty care clinic, Austin, Texas, $6,163,000.

(2) For an outpatient clinic, Lowell, Massachusetts, $2,520,000.

(3) For an outpatient clinic, Grand Rapids, Michigan, $4,409,000.

(4) For up to four outpatient clinics, Las Vegas, Nevada, $8,518,000.

(5) For an outpatient clinic, Parma, Ohio, $5,032,000.

SEC. 807. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2006 MAJOR MEDICAL FACILITY PROJECTS.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2006 for the Construction, Major Projects, account, $708,000,000 for the projects authorized in section 801(a).

(b) AUTHORIZATION OF APPROPRIATIONS FOR MAJOR MEDICAL FACILITY PROJECTS UNDER CAPITAL ASSET REALIGNMENT INITIATIVE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2007 for the Construction, Major Projects, account, $1,758,920,000 for the projects whose authorization is extended by section 802.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until September 30, 2009.

(c) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2007 MAJOR MEDICAL FACILITY PROJECTS.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2007 for the Construction, Major Projects, account, $221,766,000 for the projects authorized in section 803.

(d) AUTHORIZATION OF APPROPRIATIONS FOR ADVANCE PLANNING AND DESIGN FOR MAJOR MEDICAL FACILITY, CHARLESTON, SOUTH CAROLINA.—There is authorized to be appropriated to the Secretary of Veterans Affairs for the Construction, Major Projects, account, $36,800,000 for the advance planning and design authorized in section 804.

(e) AUTHORIZATION OF APPROPRIATIONS FOR MAJOR MEDICAL FACILITY LEASES.—

(1) FISCAL YEAR 2006 LEASES.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2006 for the Medical Care account, $24,990,000 for the leases authorized in section 805.

(2) FISCAL YEAR 2007 LEASES.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2007 for the Medical Care account, $26,642,000 for the leases authorized in section 806.

(f) LIMITATION.—The projects authorized in sections 801(a) and 802 may only be carried out using—

(1) funds appropriated for fiscal year 2006 or 2007 pursuant to the authorization of appropriations in subsections (a), (b), and (c) of this section;

(2) funds available for Construction, Major Projects, for a fiscal year before fiscal year 2006 that remain available for obligation;

(3) funds available for Construction, Major Projects, for a fiscal year after fiscal year 2006 or 2007 that are available for obligation; and

(4) funds appropriated for Construction, Major Projects, for fiscal year 2006 or 2007 for a category of activity not specific to a project.

Subtitle B—Facilities Administration

SEC. 811. DIRECTOR OF CONSTRUCTION AND FACILITIES MANAGEMENT.

(a) ESTABLISHMENT OF POSITION.—Chapter 3 is amended by inserting after section 312 the following new section:

"§ 312A. Director of Construction and Facilities Management

''(a) IN GENERAL.—(1) There is in the Department a Director of Construction and Facilities Management, who shall be appointed by the Secretary.

''(2) The position of Director of Construction and Facilities Management is a career reserved position, as such term is defined in section 3132(a)(8) of title 5.

''(3) The Director shall provide direct support to the Secretary in matters covered by the responsibilities of the Director under subsection (c).

''(4) The Director shall report to the Deputy Secretary in the discharge of the responsibilities of the Director under subsection (c).

''(b) QUALIFICATIONS.—Each individual appointed as Director of Construction and Facilities Management shall be an individual who—

''(1) holds an undergraduate or master's degree in architectural design or engineering; and

''(2) has substantive professional experience in the area of construction project management.

''(c) RESPONSIBILITIES.—(1) The Director of Construction and Facilities Management shall—

''(A) be responsible for overseeing and managing the planning, design, construction, and operation of facilities and infrastructure of the Department, including major and minor construction projects; and

''(B) perform such other functions as the Secretary shall prescribe.

''(2) In carrying out the oversight and management of construction and operation of facilities and infrastructure under this section, the Director shall be responsible for the following:

''(A) Development and updating of short-range and long-range strategic capital investment strategies and plans of the Department.

''(B) Planning, design, and construction of facilities for the Department, including determining architectural and engineering requirements and ensuring compliance of the Department with applicable laws relating to the construction program of the Department.

''(C) Management of the short-term and long-term leasing of real property by the Department.

''(D) Repair and maintenance of facilities of the Department, including custodial services, building management and administration, and maintenance of roads, grounds, and infrastructure.

''(E) Management of procurement and acquisition processes relating to the construction and operation of facilities of the Department, including the award of contracts related to design, construction, furnishing, and supplies and equipment.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 312 the following new item:

''312A. Director of Construction and Facilities Management.''.

SEC. 812. INCREASE IN THRESHOLD FOR MAJOR MEDICAL FACILITY PROJECTS.

Section 8104(a)(3)(A) is amended by striking ''$7,000,000'' and inserting ''$10,000,000''.

SEC. 813. LAND CONVEYANCE, CITY OF FORT THOMAS, KENTUCKY.

(a) CONVEYANCE AUTHORIZED.—The Secretary of Veterans Affairs may convey to the city of Fort Thomas, Kentucky (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property, including the 15 structures located thereon, consisting of approximately 11.75 acres that is managed by the Department of Veterans Affairs and located in the northeastern portion of Tower Park in Fort Thomas, Kentucky. Any such conveyance shall be subject to valid existing rights, easements, and rights-of-way.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the conveyed real property, as determined by the Secretary.

(c) TREATMENT OF CONSIDERATION.—The consideration received under subsection (b) shall be deposited, at the discretion of the Secretary, in the ''Medical Facilities'' account or the ''Construction, Minor Projects'' account (or a combination of those accounts) and shall be available to the Secretary, without limitation and until expended—

(1) to cover costs incurred by the Secretary associated with the environmental remediation of the real property before conveyance under subsection (a); and

(2) with any funds remaining after the Secretary has covered costs as required under paragraph (1), for acquisition of a site for use as a parking facility, or contract (by lease or otherwise) for the operation of a parking facility, to be used in connection with the Department of Veterans Affairs Medical Facility, Cincinnati, Ohio.

(d) RELEASE FROM LIABILITY.—Effective on the date of the conveyance under subsection (a), the United States shall not be liable for damages arising out of any act, omission, or occurrence relating to the conveyed real property, but shall continue to be liable for damages caused by acts of negligence committed by the United States or by any employee or agent of the United States before the date of conveyance, consistent with chapter 171 of title 28, United States Code.

(e) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers necessary to protect the interests of the United States.

Subtitle C—Reports on Medical Facility Improvements

SEC. 821. REPORT ON OPTION FOR MEDICAL FACILITY IMPROVEMENTS IN SAN JUAN, PUERTO RICO.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report identifying and outlining the various options available to the Department of Veterans Affairs for replacing the current Department of Veterans Affairs Medical Center, San Juan, Puerto Rico. The report shall not affect current contracts at the current site, and the report shall include the following:

(1) The feasibility of entering into a partnership with a Federal, Commonwealth, or local governmental agency, or a suitable non-profit organization, for the construction and operation of a new facility.

(2) The medical, legal, and financial implications of each of the options identified, including recommendations regarding any statutory changes necessary for the Department to carry out any of the options identified.

(3) A detailed cost-benefit analysis of each of the options identified.

(4) Estimates regarding the length of time and associated costs needed to complete such a facility under each of the options identified.

SEC. 822. BUSINESS PLANS FOR ENHANCED ACCESS TO OUTPATIENT CARE IN CERTAIN RURAL AREAS.

(a) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a business plan for enhanced access to outpatient care (as described in subsection (b)) for primary care, mental health care, and specialty care in each of the following areas:

(1) The Lewiston-Auburn area of Maine.

(2) The area of Houlton, Maine.

(3) The area of Dover-Foxcroft, Maine.

(4) Whiteside County, Illinois.

(b) MEANS OF ENHANCED ACCESS.—The means of enhanced access to outpatient care to be covered by the business plans under subsection (a) are, with respect to each area specified in that subsection, one or more of the following:

(1) New sites of care.

(2) Expansions at existing sites of care.

(3) Use of existing authority and policies to contract for care where necessary.

(4) Increased use of telemedicine.

SEC. 823. REPORT ON OPTION FOR CONSTRUCTION OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER IN OKALOOSA COUNTY, FLORIDA.

(a) FEASIBILITY STUDY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs and the Committee on Armed Services of the Senate of the Senate and the Committee on Veterans' Affairs and the Committee on Armed Services of the House of Representatives of the House of Representatives a report identifying and outlining the various options available to the Department of Veterans Affairs for the placement of a Department of Veterans Affairs Medical Center in Okaloosa County, Florida. The report shall be prepared in conjunction with the Secretary of Defense and the Secretary of the Air Force.

(b) MATTERS TO BE INCLUDED.—The report under subsection (a) shall include the following:

(1) The feasibility of entering into a partnership with Eglin Air Force Base for the construction and operation of a new, joint Department of Veterans Affairs-Department of Defense facility.

(2) The medical, legal, and financial implications of each of the options identified, including recommendations regarding any statutory changes necessary for the Department of Veterans Affairs to carry out any of the options identified.

(3) A detailed cost-benefit analysis of each of the options identified.

(4) Estimates regarding the length of time and associated costs needed to complete such a facility under each of the options identified.

TITLE IX—INFORMATION SECURITY MATTERS

SEC. 901. SHORT TITLE.

This title may be cited as the ''Department of Veterans Affairs Information Security Enhancement Act of 2006''.

SEC. 902. DEPARTMENT OF VETERANS AFFAIRS INFORMATION SECURITY PROGRAMS AND REQUIREMENTS.

(a) INFORMATION SECURITY PROGRAMS AND REQUIREMENTS.—Chapter 57 is amended by adding at the end the following new subchapter:

''SUBCHAPTER III—INFORMATION SECURITY

''§ 5721. Purpose

''The purpose of the Information Security Program is to establish a program to provide security for Department information and information systems commensurate to the risk of harm, and to communicate the responsibilities of the Secretary, Under Secretaries, Assistant Secretaries, other key officials, Assistant Secretary for Information and Technology, Associate Deputy Assistant Secretary for Cyber and Information Security, and Inspector General of the Department of Veterans Affairs as outlined in the provisions of subchapter III of chapter 35 of title 44 (also known as the 'Federal Information Security Management Act of 2002', which was enacted as part of the E-Government Act of 2002 (Public Law 107–347)).

''§ 5722. Policy

''(a) IN GENERAL.—The security of Department information and information systems is vital to the success of the mission of the Department. To that end, the Secretary shall establish and maintain a comprehensive Department-wide information security program to provide for the development and maintenance of cost-effective security controls needed to protect Department information, in any media or format, and Department information systems.

''(b) ELEMENTS.—The Secretary shall ensure that the Department information security program includes the following elements:

''(1) Periodic assessments of the risk and magnitude of harm that could result from

the unauthorized access, use, disclosure, disruption, modification, or destruction of information and information systems that support the operations and assets of the Department.

''(2) Policies and procedures that—

''(A) are based on risk assessments;

''(B) cost-effectively reduce security risks to an acceptable level; and

''(C) ensure that information security is addressed throughout the life cycle of each Department information system.

''(3) Selection and effective implementation of minimum, mandatory technical, operational, and management security controls, or other compensating countermeasures, to protect the confidentiality, integrity, and availability of each Department system and its information.

''(4) Subordinate plans for providing adequate security for networks, facilities, systems, or groups of information systems, as appropriate.

''(5) Annual security awareness training for all Department employees, contractors, and all other users of VA sensitive data and Department information systems that identifies the information security risks associated with the activities of such employees, contractors, and users and the responsibilities of such employees, contractors, and users to comply with Department policies and procedures designed to reduce such risks.

''(6) Periodic testing and evaluation of the effectiveness of security controls based on risk, including triennial certification testing of all management, operational, and technical controls, and annual testing of a subset of those controls for each Department system.

''(7) A process for planning, developing, implementing, evaluating, and documenting remedial actions to address deficiencies in information security policies, procedures, and practices.

''(8) Procedures for detecting, immediately reporting, and responding to security incidents, including mitigating risks before substantial damage is done as well as notifying and consulting with the US-Computer Emergency Readiness Team of the Department of Homeland Security, law enforcement agencies, the Inspector General of the Department, and other offices as appropriate.

''(9) Plans and procedures to ensure continuity of operations for Department systems.

''(c) COMPLIANCE WITH CERTAIN REQUIREMENTS.—The Secretary shall comply with the provisions of subchapter III of chapter 35 of title 44 and other related information security requirements promulgated by the National Institute of Standards and Technology and the Office of Management and Budget that define Department information system mandates.

''§ 5723. Responsibilities

''(a) SECRETARY OF VETERANS AFFAIRS.—In accordance with the provisions of subchapter III of chapter 35 of title 44, the Secretary is responsible for the following:

''(1) Ensuring that the Department adopts a Department-wide information security program and otherwise complies with the provisions of subchapter III of chapter 35 of title 44 and other related information security requirements.

''(2) Ensuring that information security protections are commensurate with the risk and magnitude of the potential harm to Department information and information systems resulting from unauthorized access, use, disclosure, disruption, modification, or destruction.

''(3) Ensuring that information security management processes are integrated with Department strategic and operational planning processes.

''(4) Ensuring that the Under Secretaries, Assistant Secretaries, and other key officials of the Department provide adequate security for the information and information systems under their control.

''(5) Ensuring enforcement and compliance with the requirements imposed on the Department under the provisions of subchapter III of chapter 35 of title 44.

''(6) Ensuring that the Department has trained program and staff office personnel sufficient to assist in complying with all the provisions of subchapter III of chapter 35 of title 44 and other related information security requirements.

''(7) Ensuring that the Assistant Secretary for Information and Technology, in coordination with the Under Secretaries, Assistant Secretaries, and other key officials of the Department report to Congress, the Office of Management and Budget, and other entities as required by law and Executive Branch direction on the effectiveness of the Department information security program, including remedial actions.

''(8) Notifying officials other than officials of the Department of data breaches when required under this subchapter.

''(9) Ensuring that the Assistant Secretary for Information and Technology has the authority and control necessary to develop, approve, implement, integrate, and oversee the policies, procedures, processes, activities, and systems of the Department relating to subchapter III of chapter 35 of title 44, including the management of all related mission applications, information resources, personnel, and infrastructure.

''(10) Submitting to the Committees on Veterans' Affairs of the Senate and House of Representatives, the Committee on Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate, not later than March 1 each year, a report on the compliance of the Department with subchapter III of chapter 35 of title 44, with the information in such report displayed in the aggregate and separately for each Administration, office, and facility of the Department.

''(11) Taking appropriate action to ensure that the budget for any fiscal year, as submitted by the President to Congress under section 1105 of title 31, sets forth separately the amounts required in the budget for such fiscal year for compliance by the Department with Federal law and regulations governing information security, including this subchapter and subchapter III of chapter 35 of title 44.

''(12) Providing notice to the Director of the Office of Management and Budget, the Inspector General of the Department, and such other Federal agencies as the Secretary considers appropriate of a presumptive data breach of which notice is provided the Secretary under subsection (b)(16) if, in the opinion of the Assistant Secretary for Information and Technology, the breach involves the information of twenty or more individuals.

''(b) ASSISTANT SECRETARY FOR INFORMATION AND TECHNOLOGY.—The Assistant Secretary for Information and Technology, as the Chief Information Officer of the Department, is responsible for the following:

''(1) Establishing, maintaining, and monitoring Department-wide information security policies, procedures, control techniques, training, and inspection requirements as elements of the Department information security program.

''(2) Issuing policies and handbooks to provide direction for implementing the elements of the information security program to all Department organizations.

''(3) Approving all policies and procedures that are related to information security for those areas of responsibility that are currently under the management and the oversight of other Department organizations.

''(4) Ordering and enforcing Department-wide compliance with and execution of any information security policy.

''(5) Establishing minimum mandatory technical, operational, and management information security control requirements for each Department system, consistent with risk, the processes identified in standards of the National Institute of Standards and Technology, and the responsibilities of the Assistant Secretary to operate and maintain all Department systems currently creating, processing, collecting, or disseminating data on behalf of Department information owners.

''(6) Establishing standards for access to Department information systems by organizations and individual employees, and to deny access as appropriate.

''(7) Directing that any incidents of failure to comply with established information security policies be immediately reported to the Assistant Secretary.

''(8) Reporting any compliance failure or policy violation directly to the appropriate Under Secretary, Assistant Secretary, or other key official of the Department for appropriate administrative or disciplinary action.

''(9) Reporting any compliance failure or policy violation directly to the appropriate Under Secretary, Assistant Secretary, or other key official of the Department along with taking action to correct the failure or violation.

''(10) Requiring any key official of the Department who is so notified to report to the Assistant Secretary with respect to an action to be taken in response to any compliance failure or policy violation reported by the Assistant Secretary.

''(11) Ensuring that the Chief Information Officers and Information Security Officers of the Department comply with all cyber security directives and mandates, and ensuring that these staff members have all necessary authority and means to direct full compliance with such directives and mandates relating to the acquisition, operation, maintenance, or use of information technology resources from all facility staff.

''(12) Establishing the VA National Rules of Behavior for appropriate use and protection of the information which is used to support Department missions and functions.

''(13) Establishing and providing supervision over an effective incident reporting system.

''(14) Submitting to the Secretary, at least once every quarter, a report on any deficiency in the compliance with subchapter III of chapter 35 of title 44 of the Department or any Administration, office, or facility of the Department.

''(15) Reporting immediately to the Secretary on any significant deficiency in the compliance described by paragraph (14).

''(16) Providing immediate notice to the Secretary of any presumptive data breach.

''(c) ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR CYBER AND INFORMATION SECURITY.—In accordance with the provisions of subchapter III of chapter 35 of title 44, the Associate Deputy Assistant Secretary for Cyber and Information Security, as the Senior Information Security Officer of the Department, is responsible for carrying out the responsibilities of the Assistant Secretary for Information and Technology under the provisions of subchapter III of chapter 35 of title 44, as set forth in subsection (b).

''(d) DEPARTMENT INFORMATION OWNERS.—In accordance with the criteria of the Centralized IT Management System, Department information owners are responsible for the following:

''(1) Providing assistance to the Assistant Secretary for Information and Technology regarding the security requirements and appropriate level of security controls for the information system or systems where sensitive personal information is currently created, collected, processed, disseminated, or subject to disposal.

''(2) Determining who has access to the system or systems containing sensitive personal information, including types of privileges and access rights.

''(3) Ensuring the VA National Rules of Behavior is signed on an annual basis and enforced by all system users to ensure appropriate use and protection of the information which is used to support Department missions and functions.

''(4) Assisting the Assistant Secretary for Information and Technology in the identification and assessment of the common security controls for systems where their information resides.

''(5) Providing assistance to Administration and staff office personnel involved in the development of new systems regarding the appropriate level of security controls for their information.

''(e) OTHER KEY OFFICIALS.—In accordance with the provisions of subchapter III of chapter 35 of title 44, the Under Secretaries, Assistant Secretaries, and other key officials of the Department are responsible for the following:

''(1) Implementing the policies, procedures, practices, and other countermeasures identified in the Department information security program that comprise activities that are under their day-to-day operational control or supervision.

''(2) Periodically testing and evaluating information security controls that comprise activities that are under their day-to-day operational control or supervision to ensure effective implementation.

''(3) Providing a plan of action and milestones to the Assistant Secretary for Information and Technology on at least a quarterly basis detailing the status of actions being taken to correct any security compliance failure or policy violation.

''(4) Complying with the provisions of subchapter III of chapter 35 of title 44 and other related information security laws and requirements in accordance with orders of the Assistant Secretary for Information and Technology to execute the appropriate security controls commensurate to responding to a security bulletin of the Security Operations Center of the Department, with such orders to supersede and take priority over all operational tasks and assignments and be complied with immediately.

''(5) Ensuring that—

''(A) all employees within their organizations take immediate action to comply with orders from the Assistant Secretary for Information and Technology to—

''(i) mitigate the impact of any potential security vulnerability;

''(ii) respond to a security incident; or

''(iii) implement the provisions of a bulletin or alert of the Security Operations Center; and

''(B) organizational managers have all necessary authority and means to direct full compliance with such orders from the Assistant Secretary.

''(6) Ensuring the VA National Rules of Behavior is signed and enforced by all system users to ensure appropriate use and protection of the information which is used to support Department missions and functions on an annual basis.

''(f) USERS OF DEPARTMENT INFORMATION AND INFORMATION SYSTEMS.—Users of Department information and information systems are responsible for the following:

''(1) Complying with all Department information security program policies, procedures, and practices.

''(2) Attending security awareness training on at least an annual basis.

''(3) Reporting all security incidents immediately to the Information Security Officer of the system or facility and to their immediate supervisor.

''(4) Complying with orders from the Assistant Secretary for Information and Technology directing specific activities when a security incident occurs.

''(5) Signing an acknowledgment that they have read, understand, and agree to abide by the VA National Rules of Behavior on an annual basis.

''(g) INSPECTOR GENERAL OF DEPARTMENT OF VETERANS AFFAIRS.—In accordance with the provisions of subchapter III of chapter 35 of title 44, the Inspector General of the Department is responsible for the following:

''(1) Conducting an annual audit of the Department information security program.

''(2) Submitting an independent annual report to the Office of Management and Budget on the status of Department information security program, based on the results of the annual audit.

''(3) Conducting investigations of complaints and referrals of violations as considered appropriate by the Inspector General.

''§ 5724. Provision of credit protection and other services

''(a) INDEPENDENT RISK ANALYSIS.—(1) In the event of a data breach with respect to sensitive personal information that is processed or maintained by the Secretary, the Secretary shall ensure that, as soon as possible after the data breach, a non-Department entity or the Office of Inspector General of the Department conducts an independent risk analysis of the data breach to determine the level of risk associated with the data breach for the potential misuse of any sensitive personal information involved in the data breach.

''(2) If the Secretary determines, based on the findings of a risk analysis conducted under paragraph (1), that a reasonable risk exists for the potential misuse of sensitive personal information involved in a data breach, the Secretary shall provide credit protection services in accordance with the regulations prescribed by the Secretary under this section.

''(b) REGULATIONS.—Not later than 180 days after the date of the enactment of the Veterans Benefits, Health Care, and Information Technology Act of 2006, the Secretary shall prescribe interim regulations for the provision of the following in accordance with subsection (a)(2):

''(1) Notification.

''(2) Data mining.

''(3) Fraud alerts.

''(4) Data breach analysis.

''(5) Credit monitoring.

''(6) Identity theft insurance.

''(7) Credit protection services.

''(c) REPORT.—(1) For each data breach with respect to sensitive personal information processed or maintained by the Secretary, the Secretary shall promptly submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing the findings of any independent risk analysis conducted under subsection (a)(1), any determination of the Secretary under subsection (a)(2), and a description of any services provided pursuant to subsection (b).

''(2) In the event of a data breach with respect to sensitive personal information processed or maintained by the Secretary that is the sensitive personal information of a member of the Army, Navy, Air Force, or Marine Corps or a civilian officer or employee of the Department of Defense, the Secretary shall submit the report required under paragraph (1) to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives in addition to the Committees on Veterans' Affairs of the Senate and House of Representatives.

''§ 5725. Contracts for data processing or maintenance

''(a) CONTRACT REQUIREMENTS.—If the Secretary enters into a contract for the performance of any Department function that requires access to sensitive personal information, the Secretary shall require as a condition of the contract that—

''(1) the contractor shall not, directly or through an affiliate of the contractor, disclose such information to any other person unless the disclosure is lawful and is expressly permitted under the contract;

''(2) the contractor, or any subcontractor for a subcontract of the contract, shall promptly notify the Secretary of any data breach that occurs with respect to such information.

''(b) LIQUIDATED DAMAGES.—Each contract subject to the requirements of subsection (a) shall provide for liquidated damages to be paid by the contractor to the Secretary in the event of a data breach with respect to any sensitive personal information processed or maintained by the contractor or any subcontractor under that contract.

''(c) PROVISION OF CREDIT PROTECTION SERVICES.—Any amount collected by the Secretary under subsection (b) shall be deposited in or credited to the Department account from which the contractor was paid and shall remain available for obligation without fiscal year limitation exclusively for the purpose of providing credit protection services pursuant to section 5724(b) of this title.

''§ 5726. Reports and notice to Congress on data breaches

''(a) QUARTERLY REPORTS.—(1) Not later than 30 days after the last day of a fiscal quarter, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on any data breach with respect to sensitive personal information processed or maintained by the Department that occurred during that quarter.

''(2) Each report submitted under paragraph (1) shall identify, for each data breach covered by the report—

''(A) the Administration and facility of the Department responsible for processing or maintaining the sensitive personal information involved in the data breach; and

''(B) the status of any remedial or corrective action with respect to the data breach.

''(b) NOTIFICATION OF SIGNIFICANT DATA BREACHES.—(1) In the event of a data breach with respect to sensitive personal information processed or maintained by the Secretary that the Secretary determines is significant, the Secretary shall provide notice of such breach to the Committees on Veterans' Affairs of the Senate and House of Representatives.

''(2) In the event of a data breach with respect to sensitive personal information processed or maintained by the Secretary that is the sensitive personal information of a member of the Army, Navy, Air Force, or Marine Corps or a civilian officer or employee of the Department of Defense that the Secretary determines is significant under paragraph

(1), the Secretary shall provide the notice required under paragraph (1) to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives in addition to the Committees on Veterans' Affairs of the Senate and House of Representatives.

''(3) Notice under paragraphs (1) and (2) shall be provided promptly following the discovery of such a data breach and the implementation of any measures necessary to determine the scope of the breach, prevent any further breach or unauthorized disclosures, and reasonably restore the integrity of the data system.

"§ 5727. Definitions

''In this subchapter:

''(1) AVAILABILITY.—The term 'availability' means ensuring timely and reliable access to and use of information.

''(2) CONFIDENTIALITY.—The term 'confidentiality' means preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information.

''(3) CONTROL TECHNIQUES.—The term 'control techniques' means methods for guiding and controlling the operations of information systems to ensure adherence to the provisions of subchapter III of chapter 35 of title 44 and other related information security requirements.

''(4) DATA BREACH.—The term 'data breach' means the loss, theft, or other unauthorized access, other than those incidental to the scope of employment, to data containing sensitive personal information, in electronic or printed form, that results in the potential compromise of the confidentiality or integrity of the data.

''(5) DATA BREACH ANALYSIS.—The term 'data breach analysis' means the process used to determine if a data breach has resulted in the misuse of sensitive personal information.

''(6) FRAUD RESOLUTION SYSTEMS.—The term 'fraud resolution services' means services to assist an individual in the process of recovering and rehabilitating the credit of the individual after the individual experiences identity theft.

''(7) IDENTITY THEFT.—The term 'identity theft' has the meaning given such term under section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a).

''(8) IDENTITY THEFT INSURANCE.—The term 'identity theft insurance' means any insurance policy that pays benefits for costs, including travel costs, notary fees, and postage costs, lost wages, and legal fees and expenses associated with efforts to correct and ameliorate the effects and results of identity theft of the insured individual.

''(9) INFORMATION OWNER.—The term 'information owner' means an agency official with statutory or operational authority for specified information and responsibility for establishing the criteria for its creation, collection, processing, dissemination, or disposal, which responsibilities may extend to interconnected systems or groups of interconnected systems.

''(10) INFORMATION RESOURCES.—The term 'information resources' means information in any medium or form and its related resources, such as personnel, equipment, funds, and information technology.

''(11) INFORMATION SECURITY.—The term 'information security' means protecting information and information systems from unauthorized access, use, disclosure, disruption, modification, or destruction in order to provide integrity, confidentiality, and availability.

''(12) INFORMATION SECURITY REQUIREMENTS.—The term 'information security requirements' means information security requirements promulgated in accordance with law, or directed by the Secretary of Commerce, the National Institute of Standards and Technology, and the Office of Management and Budget, and, as to national security systems, the President.

''(13) INFORMATION SYSTEM.—The term 'information system' means a discrete set of information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information, whether automated or manual.

''(14) INTEGRITY.—The term 'integrity' means guarding against improper information modification or destruction, and includes ensuring information non-repudiation and authenticity.

''(15) NATIONAL SECURITY SYSTEM.—The term 'national security system' means an information system that is protected at all times by policies and procedures established for the processing, maintenance, use, sharing, dissemination or disposition of information that has been specifically authorized under criteria established by statute or Executive Order to be kept classified in the interest of national defense or foreign policy.

''(16) PLAN OF ACTION AND MILESTONES.—The term 'plan of action and milestones', means a plan used as a basis for the quarterly reporting requirements of the Office of Management and Budget that includes the following information:

''(A) A description of the security weakness.

''(B) The identity of the office or organization responsible for resolving the weakness.

''(C) An estimate of resources required to resolve the weakness by fiscal year.

''(D) The scheduled completion date.

''(E) Key milestones with estimated completion dates.

''(F) Any changes to the original key milestone date.

''(G) The source that identified the weakness.

''(H) The status of efforts to correct the weakness.

''(17) PRINCIPAL CREDIT REPORTING AGENCY.—The term 'principal credit reporting agency' means a consumer reporting agency as described in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)).

''(18) SECURITY INCIDENT.—The term 'security incident' means an event that has, or could have, resulted in loss or damage to Department assets, or sensitive information, or an action that breaches Department security procedures.

''(19) SENSITIVE PERSONAL INFORMATION.—The term 'sensitive personal information', with respect to an individual, means any information about the individual maintained by an agency, including the following:

''(A) Education, financial transactions, medical history, and criminal or employment history.

''(B) Information that can be used to distinguish or trace the individual's identity, including name, social security number, date and place of birth, mother's maiden name, or biometric records.

''(20) SUBORDINATE PLAN.—The term 'subordinate plan', also referred to as a 'system security plan', means a subordinate plan defines the security controls that are either planned or implemented for networks, facilities, systems, or groups of systems, as appropriate, within a specific accreditation boundary.

''(21) TRAINING.—The term 'training' means a learning experience in which an individual is taught to execute a specific information security procedure or understand the information security common body of knowledge.

''(22) VA NATIONAL RULES OF BEHAVIOR.—The term 'VA National Rules of Behavior' means a set of Department rules that describes the responsibilities and expected behavior of personnel with regard to information system usage.

''(23) VA SENSITIVE DATA.—The term 'VA sensitive data' means all Department data, on any storage media or in any form or format, which requires protection due to the risk of harm that could result from inadvertent or deliberate disclosure, alteration, or destruction of the information and includes information whose improper use or disclosure could adversely affect the ability of an agency to accomplish its mission, proprietary information, and records about individuals requiring protection under applicable confidentiality provisions.

"§ 5728. Authorization of appropriations

''There are authorized to be appropriated to carry out this subchapter such sums as may be necessary for each fiscal year.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 57 is amended by adding at the end the following:

''SUBCHAPTER III—INFORMATION SECURITY

''5721. Purpose.
''5722. Policy.
''5723. Responsibilities.
''5724. Provision of credit protection and other services.
''5725. Contracts for data processing or maintenance.
''5726. Reports and notice to Congress on data breaches.
''5727. Definitions.
''5728. Authorization of appropriations.''.

(c) DEADLINE FOR REGULATIONS.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall prescribe regulations to carry out subchapter III of chapter 57 of title 38, United States Code, as added by subsection (a).

SEC. 903. INFORMATION SECURITY EDUCATION ASSISTANCE PROGRAMS.

(a) PROGRAMS AUTHORIZED.—

(1) IN GENERAL.—Title 38 is amended by inserting after chapter 78 the following new chapter:

"CHAPTER 79—INFORMATION SECURITY EDUCATION ASSISTANCE PROGRAM

''Sec.
''7901. Programs; purpose.
''7902. Scholarship program.
''7903. Education debt reduction program.
''7904. Preferences in awarding financial assistance.
''7905. Requirement of honorable discharge for veterans receiving assistance.
''7906. Regulations.
''7907. Termination.

"§ 7901. Programs; purpose

''(a) IN GENERAL.—To encourage the recruitment and retention of Department personnel who have the information security skills necessary to meet Department requirements, the Secretary may carry out programs in accordance with this chapter to provide financial support for education in computer science and electrical and computer engineering at accredited institutions of higher education.

''(b) TYPES OF PROGRAMS.—The programs authorized under this chapter are as follows:

''(1) Scholarships for pursuit of doctoral degrees in computer science and electrical and computer engineering at accredited institutions of higher education.

''(2) Education debt reduction for Department personnel who hold doctoral degrees in computer science and electrical and computer engineering at accredited institutions of higher education.

"§ 7902. Scholarship program

''(a) AUTHORITY.—(1) Subject to the availability of appropriations, the Secretary may

establish a scholarship program under which the Secretary shall, subject to subsection (d), provide financial assistance in accordance with this section to a qualified person—

''(A) who is pursuing a doctoral degree in computer science or electrical or computer engineering at an accredited institution of higher education; and

''(B) who enters into an agreement with the Secretary as described in subsection (b).

''(2)(A) Except as provided in subparagraph (B), the Secretary may provide financial assistance under this section to an individual for up to five years.

''(B) The Secretary may waive the limitation under subparagraph (A) if the Secretary determines that such a waiver is appropriate.

''(b) SERVICE AGREEMENT FOR SCHOLARSHIP RECIPIENTS.—(1) To receive financial assistance under this section an individual shall enter into an agreement to accept and continue employment in the Department for the period of obligated service determined under paragraph (2).

''(2) For the purposes of this subsection, the period of obligated service for a recipient of financial assistance under this section shall be the period determined by the Secretary as being appropriate to obtain adequate service in exchange for the financial assistance and otherwise to achieve the goals set forth in section 7901(a) of this title. In no event may the period of service required of a recipient be less than the period equal to the total period of pursuit of a degree for which the Secretary agrees to provide the recipient with financial assistance under this section. The period of obligated service is in addition to any other period for which the recipient is obligated to serve on active duty or in the civil service, as the case may be.

''(3) An agreement entered into under this section by a person pursuing an doctoral degree shall include terms that provide the following:

''(A) That the period of obligated service begins on a date after the award of the degree that is determined under the regulations prescribed under section 7906 of this title.

''(B) That the individual will maintain satisfactory academic progress, as determined in accordance with those regulations, and that failure to maintain such progress constitutes grounds for termination of the financial assistance for the individual under this section.

''(C) Any other terms and conditions that the Secretary determines appropriate for carrying out this section.

''(c) AMOUNT OF ASSISTANCE.—(1) The amount of the financial assistance provided for an individual under this section shall be the amount determined by the Secretary as being necessary to pay—

''(A) the tuition and fees of the individual; and

''(B) $1,500 to the individual each month (including a month between academic semesters or terms leading to the degree for which such assistance is provided or during which the individual is not enrolled in a course of education but is pursuing independent research leading to such degree) for books, laboratory expenses, and expenses of room and board.

''(2) In no case may the amount of assistance provided for an individual under this section for an academic year exceed $50,000.

''(3) In no case may the total amount of assistance provided for an individual under this section exceed $200,000.

''(4) Notwithstanding any other provision of law, financial assistance paid an individual under this section shall not be considered as income or resources in determining eligibility for, or the amount of benefits under, any Federal or federally assisted program.

''(d) REPAYMENT FOR PERIOD OF UNSERVED OBLIGATED SERVICE.—(1) An individual who receives financial assistance under this section shall repay to the Secretary an amount equal to the unearned portion of the financial assistance if the individual fails to satisfy the requirements of the service agreement entered into under subsection (b), except in circumstances authorized by the Secretary.

''(2) The Secretary may establish, by regulations, procedures for determining the amount of the repayment required under this subsection and the circumstances under which an exception to the required repayment may be granted.

''(3) An obligation to repay the Secretary under this subsection is, for all purposes, a debt owed the United States. A discharge in bankruptcy under title 11 does not discharge a person from such debt if the discharge order is entered less than five years after the date of the termination of the agreement or contract on which the debt is based.

''(e) WAIVER OR SUSPENSION OF COMPLIANCE.—The Secretary shall prescribe regulations providing for the waiver or suspension of any obligation of an individual for service or payment under this section (or an agreement under this section) whenever noncompliance by the individual is due to circumstances beyond the control of the individual or whenever the Secretary determines that the waiver or suspension of compliance is in the best interest of the United States.

''(f) INTERNSHIPS.—(1) The Secretary may offer a compensated internship to an individual for whom financial assistance is provided under this section during a period between academic semesters or terms leading to the degree for which such assistance is provided. Compensation provided for such an internship shall be in addition to the financial assistance provided under this section.

''(2) An internship under this subsection shall not be counted toward satisfying a period of obligated service under this section.

''(g) INELIGIBILITY OF INDIVIDUALS RECEIVING MONTGOMERY GI BILL EDUCATION ASSISTANCE PAYMENTS.—An individual who receives a payment of educational assistance under chapter 30, 31, 32, 34, or 35 of this title or chapter 1606 or 1607 of title 10 for a month in which the individual is enrolled in a course of education leading to a doctoral degree in information security is not eligible to receive financial assistance under this section for that month.

''§ 7903. Education debt reduction program

''(a) AUTHORITY.—Subject to the availability of appropriations, the Secretary may establish an education debt reduction program under which the Secretary shall make education debt reduction payments under this section to qualified individuals eligible under subsection (b) for the purpose of reimbursing such individuals for payments by such individuals of principal and interest on loans described in paragraph (2) of that subsection.

''(b) ELIGIBILITY.—An individual is eligible to participate in the program under this section if the individual—

''(1) has completed a doctoral degree in computer science or electrical or computer engineering at an accredited institution of higher education during the five-year period preceding the date on which the individual is hired;

''(2) is an employee of the Department who serves in a position related to information security (as determined by the Secretary); and

''(3) owes any amount of principal or interest under a loan, the proceeds of which were used by or on behalf of that individual to pay costs relating to a doctoral degree in computer science or electrical or computer engineering at an accredited institution of higher education.

''(c) AMOUNT OF ASSISTANCE.—(1) Subject to paragraph (2), the amount of education debt reduction payments made to an individual under this section may not exceed $82,500 over a total of five years, of which not more than $16,500 of such payments may be made in each year.

''(2) The total amount payable to an individual under this section for any year may not exceed the amount of the principal and interest on loans referred to in subsection (b)(3) that is paid by the individual during such year.

''(d) PAYMENTS.—(1) The Secretary shall make education debt reduction payments under this section on an annual basis.

''(2) The Secretary shall make such a payment—

''(A) on the last day of the one-year period beginning on the date on which the individual is accepted into the program established under subsection (a); or

''(B) in the case of an individual who received a payment under this section for the preceding fiscal year, on the last day of the one-year period beginning on the date on which the individual last received such a payment.

''(3) Notwithstanding any other provision of law, education debt reduction payments under this section shall not be considered as income or resources in determining eligibility for, or the amount of benefits under, any Federal or federally assisted program.

''(e) PERFORMANCE REQUIREMENT.—The Secretary may make education debt reduction payments to an individual under this section for a year only if the Secretary determines that the individual maintained an acceptable level of performance in the position or positions served by the individual during the year.

''(f) NOTIFICATION OF TERMS OF PROVISION OF PAYMENTS.—The Secretary shall provide to an individual who receives a payment under this section notice in writing of the terms and conditions that apply to such a payment.

''(g) COVERED COSTS.—For purposes of subsection (b)(3), costs relating to a course of education or training include—

''(1) tuition expenses; and

''(2) all other reasonable educational expenses, including fees, books, and laboratory expenses.

''§ 7904. Preferences in awarding financial assistance

''In awarding financial assistance under this chapter, the Secretary shall give a preference to qualified individuals who are otherwise eligible to receive the financial assistance in the following order of priority:

''(1) Veterans with service-connected disabilities.

''(2) Veterans.

''(3) Persons described in section 4215(a)(1)(B) of this title.

''(4) Individuals who received or are pursuing degrees at institutions designated by the National Security Agency as Centers of Academic Excellence in Information Assurance Education.

''(5) Citizens of the United States.

''§ 7905. Requirement of honorable discharge for veterans receiving assistance

''No veteran shall receive financial assistance under this chapter unless the veteran was discharged from the Armed Forces under honorable conditions.

''§ 7906. Regulations

''The Secretary shall prescribe regulations for the administration of this chapter.

"§ 7907. Termination

''The authority of the Secretary to make a payment under this chapter shall terminate on July 31, 2017.''.

(2) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 38, and of part V of title 38, are each amended by inserting after the item relating to chapter 78 the following new item:

"79. Information Security Education Assistance Program ..... 7901".

(b) GAO REPORT.—Not later than three years after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the scholarship and education debt reduction programs under chapter 79 of title 38, United States Code, as added by subsection (a).

(c) APPLICABILITY OF SCHOLARSHIPS.—Section 7902 of title 38, United States Code, as added by subsection (a), may only apply with respect to financial assistance provided for an academic semester or term that begins on or after August 1, 2007.

TITLE X—OTHER MATTERS

SEC. 1001. NOTICE TO CONGRESSIONAL VETERANS COMMITTEES OF CERTAIN TRANSFERS OF FUNDS.

To the extent that the Secretary of Veterans Affairs is required or directed, under any provision of law, to provide written notice to any committee of Congress other than the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives on the transfer of appropriations from one account to any other account, the Secretary shall also transmit such notice to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives.

SEC. 1002. CLARIFICATION OF CORRECTIONAL FACILITIES COVERED BY CERTAIN PROVISIONS OF LAW.

(a) PAYMENT OF PENSION DURING CONFINEMENT IN PENAL INSTITUTIONS.—Section 1505(a) is amended by striking ''or local penal institution'' and inserting ''local, or other penal institution or correctional facility''.

(b) ALLOWANCES FOR TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES.—Section 3108(g)(1) is amended by striking ''or local penal institution'' and inserting ''local, or other penal institution or correctional facility''.

(c) EDUCATIONAL ASSISTANCE BENEFITS FOR POST-VIETNAM ERA VETERANS.—Section 3231(d)(1) is amended by striking ''or local penal institution'' and inserting ''local, or other penal institution or correctional facility''.

(d) COMPUTATION OF EDUCATIONAL ASSISTANCE ALLOWANCES FOR VETERANS GENERALLY.—Section 3482(g)(1) is amended by striking ''or local penal institution'' and inserting ''local, or other penal institution or correctional facility''.

(e) COMPUTATION OF EDUCATIONAL ASSISTANCE ALLOWANCE FOR SURVIVORS AND DEPENDENTS.—Section 3532(e) is amended by striking ''or local penal institution'' and inserting ''local, or other penal institution or correctional facility''.

(f) LIMITATION ON PAYMENT OF COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.—Section 5313 is amended by striking ''or local penal institution'' each place it appears and inserting ''local, or other penal institution or correctional facility''.

(g) LIMITATION ON PAYMENT OF CLOTHING ALLOWANCE.—Section 5313A is amended by striking ''or local penal institution'' and inserting ''local, or other penal institution or correctional facility''.

SEC. 1003. EXTENSION OF AUTHORITY FOR HEALTH CARE FOR PARTICIPATION IN DOD CHEMICAL AND BIOLOGICAL WARFARE TESTING.

Section 1710(e)(3)(D) is amended by striking ''December 31, 2005'' and inserting ''December 31, 2007''.

SEC. 1004. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 38, UNITED STATES CODE.—

(1) CITATION CORRECTION.—Section 1718(c)(2) is amended by inserting ''of 1938'' after ''Act''.

(2) CITATION CORRECTION.—Section 1785(b)(1) is amended by striking ''Robert B.'' and inserting ''Robert T.''.

(3) PUNCTUATION CORRECTION.—Section 2002(1) is amended by inserting a closing parenthesis before the period at the end.

(4) PUNCTUATION CORRECTION.—Section 2011(a)(1)(C) is amended by inserting a period at the end.

(5) CROSS REFERENCE CORRECTION.—Section 2041(a)(3)(A)(i) is amended by striking ''under this chapter'' and inserting ''established under section 3722 of this title''.

(6) CITATION CORRECTION.—Section 8111(b)(1) is amended by striking ''into the strategic'' and all that follows through ''and Results Act of 1993'' and inserting ''into the strategic plan of each Department under section 306 of title 5 and the performance plan of each Department under section 1115 of title 31''.

(7) REPEAL OF OBSOLETE TEXT.—Section 8111 is further amended—

(A) in subsection (d)(2), by striking ''effective October 1, 2003,''; and

(B) in subsection (e)(2)—

(i) in the second sentence, by striking ''shall be implemented no later than October 1, 2003, and''; and

(ii) in the third sentence, by striking '', following implementation of the schedule,''.

(8) CITATION CORRECTION.—Section 8111A(a)(2)(B)(i) is amended by striking ''Robert B.'' and inserting ''Robert T.''.

(b) PUBLIC LAW 107–296.—Effective as of November 25, 2002, section 1704(d) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2315) is amended—

(1) by striking ''101(25)(d)'' and inserting ''101(25)(D)''; and

(2) by striking ''3011(a)(1)(A)(ii)(II)'' and inserting ''3011(a)(1)(A)(ii)(III)''.

SEC. 1005. CODIFICATION OF COST-OF-LIVING ADJUSTMENT PROVIDED IN PUBLIC LAW 109–361.

(a) VETERANS' DISABILITY COMPENSATION.—Section 1114 is amended—

(1) in subsection (a), by striking ''$112'' and inserting ''$115'';

(2) in subsection (b), by striking ''$218'' and inserting ''$225'';

(3) in subsection (c), by striking ''$337'' and inserting ''$348'';

(4) in subsection (d), by striking ''$485'' and inserting ''$501'';

(5) in subsection (e), by striking ''$690'' and inserting ''$712'';

(6) in subsection (f), by striking ''$873'' and inserting ''$901'';

(7) in subsection (g), by striking ''$1,099'' and inserting ''$1,135'';

(8) in subsection (h), by striking ''$1,277'' and inserting ''$1,319'';

(9) in subsection (i), by striking ''$1,436'' and inserting ''$1,483'';

(10) in subsection (j), by striking ''$2,393'' and inserting ''$2,471'';

(11) in subsection (k)—

(A) by striking ''$87'' both places it appears and inserting ''$89''; and

(B) by striking ''$2,977'' and ''$4,176'' and inserting ''$3,075'' and ''$4,313'', respectively;

(12) in subsection (l), by striking ''$2,977'' and inserting ''$3,075'';

(13) in subsection (m), by striking ''$3,284'' and inserting ''$3,392'';

(14) in subsection (n), by striking ''$3,737'' and inserting ''$3,860'';

(15) in subsections (o) and (p), by striking ''$4,176'' each place it appears and inserting ''$4,313'';

(16) in subsection (r)—

(A) in paragraph (1), by striking ''$1,792'' and inserting ''$1,851''; and

(B) in paragraph (2), by striking ''2,669'' and inserting ''$2,757''; and

(17) in subsection (s), by striking ''$2,678'' and inserting ''$2,766''.

(b) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Section 1115(1) is amended—

(1) in subparagraph (A), by striking ''$135'' and inserting ''$139'';

(2) in subparagraph (B), by striking ''$233'' and ''$68'' and inserting ''$240'' and ''$70'', respectively;

(3) in subparagraph (C), by striking ''$91'' and ''$68'' and inserting ''$94'' and ''$70'', respectively;

(4) in subparagraph (D), by striking ''$109'' and inserting ''$112'';

(5) in subparagraph (E), by striking ''$257'' and inserting ''$265''; and

(6) in subparagraph (F), by striking ''$215'' and inserting ''$222''.

(c) CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.—Section 1162 is amended by striking ''$641'' and inserting ''$662''.

(d) DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.—

(1) NEW LAW DIC.—Subsection (a) of section 1311 is amended—

(A) in paragraph (1), by striking ''$1,033'' and inserting ''$1,067''; and

(B) in paragraph (2), by striking ''$221'' and inserting ''$228''.

(2) OLD LAW DIC.—The table in paragraph (3) of such subsection is amended to read as follows:

Pay grade	Monthly rate	Pay grade	Monthly rate
E–1	$1,067	W–4	$1,276
E–2	$1,067	O–1	$1,128
E–3	$1,067	O–2	$1,165
E–4	$1,067	O–3	$1,246
E–5	$1,067	O–4	$1,319
E–6	$1,067	O–5	$1,452
E–7	$1,104	O–6	$1,637
E–8	$1,165	O–7	$1,768
E–9	$1,215[1]	O–8	$1,941
W–1	$1,128	O–9	$2,076
W–2	$1,172	O–10	$2,276[2]
W–3	$1,207		

[1] If the veteran served as Sergeant Major of the Army, Senior Enlisted Advisor of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $1,312.

[2] If the veteran served as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $2,443.

(3) ADDITIONAL DIC FOR CHILDREN OR DISABILITY.—Such section is further amended—

(A) in subsection (b), by striking ''$257'' and inserting ''$265'';

(B) in subsection (c), by striking ''$257'' and inserting ''$265''; and

(C) in subsection (d), by striking ''$122'' and inserting ''$126''.

(e) DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.—

(1) DIC WHEN NO SURVIVING SPOUSE.—Section 1313(a) is amended—

(A) in paragraph (1), by striking ''$438'' and inserting ''$452'';

(B) in paragraph (2), by striking ''$629'' and inserting ''$649'';

(C) in paragraph (3), by striking ''$819'' and inserting ''$846''; and

(D) in paragraph (4), by striking ''$819'' and ''$157'' and inserting ''$846'' and ''$162'', respectively.

(2) SUPPLEMENTAL DIC FOR CERTAIN CHILDREN.—Section 1314 is amended—

(A) in subsection (a), by striking ''$257'' and inserting ''$265'';

(B) in subsection (b), by striking ''$438'' and inserting ''$452''; and

(C) in subsection (c), by striking ''$218'' and inserting ''$225''.

SEC. 1006. COORDINATION OF PROVISIONS WITH VETERANS PROGRAMS EXTENSION ACT OF 2006.

(a) EARLIER ENACTMENT OF THIS ACT.—If this Act is enacted before the Veterans Programs Extension Act of 2006 is enacted into law, the Veterans Programs Extension Act of 2006, and the amendments made by that Act, shall not take effect.

(b) EARLIER ENACTMENT OF VETERANS PROGRAMS EXTENSION ACT OF 2006.—If this Act is enacted after the enactment of the Veterans Programs Extension Act of 2006, then as of the date of the enactment of this Act, the Veterans Programs Extension Act of 2006 and the amendments made by that Act shall be deemed for all purposes not to have taken effect and the Veterans Programs Extension Act of 2006 and the amendments made by that Act shall cease to be in effect.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. BUYER) and the gentlewoman from Florida (Ms. CORRINE BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

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

Mr. Speaker, under title I of the amended bill, veterans making claims would be able to hire an attorney or an agent after a notice of disagreement referred to as an NOD, with a VA benefits decision having been filed. In the spirit of compromise, we worked with our Senate counterparts to craft this provision in such a way as to provide veterans with the opportunity to retain representation while protecting them from unscrupulous attorneys, while at the same time with great hope, not adding to the burden on VA's already overwhelmed claims system.

Title II of the compromise language increases support of servicemembers returning from the war on terror by improving VA's outreach and increasing the number of clinicians treating post-traumatic stress disorder, referred to as PTSD, and improving their training.

The funds will also expand telehealth initiatives that are invaluable to rural veterans and expand the number of community-based outpatient clinics able to treat mental illnesses. The title further authorizes spending for collaboration and PTSD diagnosis and treatment between the VA and the Department of Defense. Families contending with the loss of a loved one will also benefit from bereavement counseling authorized under this bill.

Mr. Speaker, veterans undergoing blind rehabilitation treatment for Parkinson's disease and multiple sclerosis, and those trying to break the cycle of homelessness, will also see increased support under this legislation. The bill authorizes $2 billion for blind rehabilitation specialists and increases the number of facilities where these specialists will be located. It also authorizes the VA to designate six Parkinson's Disease Research, Education and Clinical Centers of Excellence and at least two multiple sclerosis centers of excellence.

The compromise legislation also strengthens VA's homeless grant and per diem programs. The provisions in title III would also make modifications to veterans education programs.

Mr. Speaker, I have been fortunate to meet some of these spouses of our severely wounded veterans, and I must say there is no one more deserving than these spouses who care for their wounded, America's heroes and their husbands on a daily basis.

Therefore, section 3 of the compromise contains a provision to authorize the VA to provide these education benefits under chapter 35 of title 38 of U.S.C. to these spouses' independent children of these severely injured servicemembers prior to the members' discharge, these servicemembers who in the opinion of the VA will most likely be discharged with permanent and total service-connected disabilities.

Rather than wait the 2- or 3-year time period, let us permit the spouses then to obtain their educational benefits so they can gain an education. When the husband or wife receives his or her discharge, they are then able to care for the family. Given the long convalescence many of these severely injured servicemembers experience while being on active duty, this provision, I think, makes a great deal of sense in how we support our families.

□ 1130

This is not a new benefit. The current law requires severely injured servicemembers to already be discharged for a condition qualifying for a chapter 35 benefit. We merely authorize the VA to pay these benefits sooner to those who would qualify following a member's discharge.

Mr. Speaker, under title III of the amended bill, it would also clarify the VA's pro rata refund policy for nonaccredited education institutions. We extend the authorization for work-study positions located at the VA cemeteries, State veterans homes and State approving agencies through June 30, 2007. We would require the VA to report on methods to improve and streamline the administrative processes and procedures of education programs in chapters 30 through 36 of title 38 of the United States Code and restore lost entitlement for certain chapter 35 education beneficiaries forced to discontinue a course of education due to being called to full-time National Guard duty.

Mr. Speaker, title IV, section 402, contains a provision that would extend for 1 year the VA Secretary's authority to provide the family of a veteran interred in a private cemetery with a government marker or any headstone. Congress had previously given the Secretary a 5-year authority effective for deaths that had occurred as of September 11, 2001. However, this authority expires on December 31 of this year.

Section 403 of the compromise agreement would allow tribal governments to participate in the VA's State Cemeteries Grants Program. This program dates back to 1978 and complements the department's National Cemetery System.

Title V of the compromise language improves the status of veteran and disabled veterans small businesses when competing for contracts at the Department of Veterans Affairs. There would be a reasonable expectation, Mr. Speaker, that all of the Federal Government's agencies in the Department of Veterans Affairs would be a leader in achieving the President's goal for annual procurement from at least 3 percent of the disabled veteran-owned businesses. Sadly, our most recent data from fiscal year 2005 indicates that the VA did barely over half of what the President directed and the public law required.

Mr. Speaker, the compromise agreement would also require the VA Secretary to establish annual contracting goals for small businesses owned and controlled by veterans and service-disabled veterans. The goal of the service-disabled veterans would not be less than 3 percent of these contracts. The veteran and disabled veteran-owned small businesses would be given priority in VA contracting as well as priority among other set-aside groups eligible for preferential treatment under the Small Business Act.

Title VI of this compromise bill contains provisions affecting the Department of Labor's Veterans Employment and Training Service. The compromise agreement would also clarify the part-time employment of DVOPS and LVERs, which is half-time employment, and require that DVOPS and LVERs hired after the date of enactment successfully complete training by the National Veterans Training Institute within 3 years of appointment.

Finally, title VI of the compromise would establish a 3-year demonstration program to identify not less than 10 military occupational specialties that would lead to State licensing and authorize the use of any unobligated funds for the project through fiscal year 2009.

Title VII provisions of the legislation strengthen support for homeless veterans, increasing authorization for housing, per diem payments and other specialized services. It also creates a VA Office of Rural Health and dramatically improves outreach for rural veterans.

State veterans homes will now be reimbursed by VA for the cost of care provided to veterans with 70 percent or higher service-connected conditions. Further, veterans in these homes with service-connected conditions rated at

least 50 percent would receive their medications free of charge. In order to increase access to long-term care, VA would conduct a pilot program that makes non-VA facilities, such as community hospitals, eligible for State veterans home per diem payments.

Mr. Speaker, title VIII of the compromise language authorizes $36.8 million for advanced planning of a collaboration project between the Ralph H. Johnson VA Medical Center in Charleston, S.C. and the adjacent Medical University of South Carolina, referred to as MUSC.

The project is likely to ensure that veterans in the low country of South Carolina receive the highest quality and state-of-the-art facilities. It would replace the aging infrastructure of the VA facilities and combine this with the MUSC facilities which are adjacent. Connecting these facilities, not just the sharing of clinicians, which is now the case, is the way to go.

There is very expensive and advanced medical equipment, lab and ancillary services. That is the goal of this collaboration. Both VA and the Medical University will remain committed to preserving VA's unique identity and commitment to veterans priorities. The enhanced collaboration envisioned in Charleston is innovative and will serve as a national model as its design and operation benefiting from the best minds in the public and private sectors will afford South Carolina veterans higher quality, more efficient care and truly state-of-the-art facilities.

This is a big deal, Mr. Speaker. It is a big deal because this idea is going to be leveraged also into Louisiana.

We are authorizing over $600 million for repair and replacement of flood and hurricane-damaged facilities in New Orleans and along the gulf coast of Mississippi.

The bill authorizes $98 million for the replacement of the VA Medical Center in Denver and directs the Secretary of Veterans Affairs to explore the viability of public-private partnerships as he moves forward in Denver.

Twenty-two other major construction projects in 15 States are authorized in this bill, which also approves continued leasing of eight medical facilities and requires the VA to explore options for construction of a new facility in San Juan, Puerto Rico.

Mr. Speaker, on May 3, 2006, an incident of a VA employee's stolen laptop computer potentially put at risk the personal data of 25.6 million veterans and 2.2 million Active Duty, Guard and Reservists. This was the largest information security breach to have occurred in government and it is the second largest such security breach in the Nation's history.

Title IX of the compromise bill would protect our veterans and servicemembers from the misuse of their sensitive personal information. The bill directs the VA to provide breach notification to individuals, reports to Congress, broad alerts, data breach analysis and credit monitoring services, and identify theft insurance.

Title IX, what we do is direct the Secretary to issue implementing regulations within 180 days of enactment of this bill.

Finally, Mr. Speaker, title X of the compromise language makes technical and clarifying amendments to title 38.

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

Ms. CORRINE BROWN of Florida. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I want to particularly thank the gentlelady for yielding. We have a bit of a time crunch, and I appreciate her graciousness.

Mr. Speaker, I would like to thank Chairman BUYER, Ranking Member EVANS and acting Ranking Member FILNER for moving forward on this bill. This legislation will provide our veterans with a number of important benefits, and I am absolutely delighted to be able to be here and speak in favor of it.

I want to particularly mention a provision in this legislation that will permit Native American tribal organizations to apply for VA State cemetery grants. This will allow tribes such as the Paiutes in Nevada to build or expand cemeteries on their reservations so that Native American veterans can be laid to rest near their families in veterans cemeteries.

In addition, with this bill, veterans will have the choice as to whether to have attorney representation in the VA claims process. While some veterans may choose to hire a lawyer, veteran service organizations will continue to maintain their traditional role in the VA claims process.

I am pleased that this legislation includes a number of safeguards. For example, veterans will only be able to hire an attorney after they actually disagree with the VA decision. This provision is from similar legislation that Lane Evans and I introduced earlier. This legislation is about giving veterans a choice. Now our Nation's heroes will simply have the option of hiring an attorney if they choose to.

I am delighted that this bill includes four lease authorizations on leases that will soon expire in Las Vegas, and perhaps most important and most sought after is a $406 million authorization for a new VA medical center in Las Vegas on which we broke ground this past October. This complex will include a hospital, an outpatient clinic and a nursing home. My veterans desperately need this facility as Las Vegas has the fastest growing veterans population in the United States, but does not have a VA medical center or hospital or clinic.

This authorization is crucial, crucial, to veterans in Southern Nevada. I am pleased that we have been able to reach an agreement on these provisions during a time of war and when we are seeing new veterans returning home from Iraq and Afghanistan. We must provide our veterans with the benefits and care they deserve, they have earned, and that they are entitled to.

I fully support this legislation, and I urge its support.

Mr. BUYER. Mr. Speaker, will the gentlewoman yield?

Ms. BERKLEY. I yield to the gentleman from Indiana.

Mr. BUYER. Ms. BERKLEY, I want to thank you. I want to thank you for your tenacity, for your commitment to your veterans that you serve, not only in your district, but across the country. I have enjoyed working with you on your project in Las Vegas. I enjoyed my visits with you when I was out there.

One of the challenges which we face is the growth of population that you have in Las Vegas, which is like none other in the country. I know that Ms. BROWN believes that Orlando is growing the fastest, but Las Vegas, it is beyond comprehension how you are able to stay ahead of it.

So whatever we plan today, what I have learned about working with you, what we planned 2 years ago is already obsolete today. This is an ongoing issue that I want to work with the gentlelady with, and I compliment your effort and leadership.

Ms. BERKLEY. Mr. Speaker, reclaiming my time, while I don't want to turn Congress into a mutual admiration society, let me thank the chairman for helping make this compromise a reality. I know that he must have been working very late into the night last night. This is important stuff. We both know it. We all know it. I am very glad we were able to bring this to the floor. Thank you very much for your sensitivity to my veterans needs. I don't think Las Vegas will soon forget your visit to our fair city.

Mr. Speaker, once again, I thank Congresswoman BROWN.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also want to thank the gentlelady. Having visited her area, I understand the fast growth that she is experiencing with VA and her veterans. So I strongly support a new facility in her area, and will talk in a few minutes about the needs of the veterans in Central Florida for over 25 years.

Mr. Speaker, I rise in support of the Veterans Benefit Health Care and Information Technology Act of 2006. This bill, as its title suggests, authorizes new benefits and health care programs for veterans. The bill authorizes needed construction of VA medical facilities and leases for VA clinics across the Nation. The bill also addresses significant vulnerabilities in VA's information technology security.

I am proud that working with the gentleman from Indiana, Mr. BUYER, the chairman of our committee, and our colleagues in the Senate, Chairman

CRAIG and Ranking Member AKAKA, we have been able to draft a solid veterans bill before we recess.

Mental health: I have been a firm advocate that we must do more to help veterans with mental health concerns and their families. The legislation we consider today has many important mental health provisions which will expand VA capacities to address the mental health concerns of veterans.

One example, the bill authorizes the VA to have marriage and family therapists and the other mental health professionals. Today we are sending a clear signal that we want to help the families of veterans with posttraumatic stress disorder stay strong, stay resilient and stay together.

This bill requires the VA to ensure that each community-based outreach clinic has the capacity to provide mental health services. This bill requires the VA to increase the number of vet centers able to use telemedicine to provide counseling for veterans. This is especially important for veterans living in rural areas. This bill requires VA to increase the outreach service of vet centers.

Passing this legislation is an important first step, but we must be vigilant to be sure that VA implements the law as we intended them.

Long-term care: In just a few years, VA estimates that there will be 1.3 million veterans who will be 85 years old and older. Because of their age, these men and women will most likely need long-term nursing care or other assistance. This bill requires VA to develop and publish a comprehensive plan for the long-term care of veterans.

Since 1888, State veterans homes have played an important role to provide care for our Nation's disabled veterans. This bill enhances this important Federal and State partnership by ensuring that medication is provided at no cost to veterans with a 50 percent or more service-connected disability. This bill also increases veterans reimbursement for the cost of care for veterans with significant service-connected disabilities.

Rural care: We all have heard of the frustration and challenges rural veterans face in trying to access medical care from the VA. This legislation helps focus VA efforts on addressing the needs of veterans in rural areas. The bill establishes a VA Office of Rural Health Care and requires the director of the new office to develop a plan to improve rural veterans access to VA care.

Outreach to recent veterans. This bill also requires the VA to conduct an extensive outreach program to veterans who served in Iraq and Afghanistan and have returned home to rural communities.

□ 1145

This provision is proactive and presses VA to reach out to veterans and build on the strengths of our small towns and communities.

Construction. This omnibus measure also authorizes VA major facility construction projects and leases. It has been some time now since Congress acted to address the health care infrastructure of the Department of Veterans Affairs.

At this time, I want to mention the facility in Orlando, which has been in the pipeline and gone through the process for over 25 years, and that is one reason why I am extremely pleased that we are bringing this bill up today. The veterans in our area that have come from all over the country can no longer wait for a facility, and I am very pleased that the facility in Orlando and the facility not just in Orlando but in Florida and all over the country, including New Orleans whose facility was destroyed, and other places will get the authorization that it needs to move forward.

While I am proud that we are moving forward on important veterans legislation, I remain deeply frustrated and concerned that it still appears that we are still ending this congressional session leaving veterans without a funding bill. Even with a continuing resolution, we are undermining VA's health care system and shortchanging veterans. At the medical center level, a delay in the fiscal year 2007 funding translates into delays in hiring nurses and other hospital staff. It means staff work longer hours and are stretched thin. It means quality of care is put at risk. It means longer waiting lines for veterans.

This failure to pass a budget is a clear illustration of the need for mandatory or assured funding of VA health care, and I firmly support it. In the next Congress, we need to look seriously at alternate ways to assure adequate funding for veterans health care.

Needed action. This bill is a good bill, but even this hefty omnibus bill leaves some of our work incomplete.

I believe that we owe it to our newest veterans to modernize the GI bill, especially including meaningful benefits for the Guard and Reserve.

We must increase VA's capacity to meet the rehabilitation and long-term care needs of veterans with traumatic brain injuries.

We must continue to monitor and strengthen VA's capacity to help veterans with post-traumatic stress disorder and other mental health concerns.

As we work to address the emerging issues of veterans returning from Iraq and Afghanistan, we must also continue to press VA to meet the health care needs of veterans exposed to Agent Orange and veterans struggling with a range of Gulf War illnesses.

Today's bill permanently authorizes VA's homeless grant and per diem program, which I think is very important because I know that we have all looked in our area and seen the homelessness. We know that one-third of those homeless are veterans, and so this bill helps homeless grants and per diem programs. This is a good program. We must help it grow to address more than a fraction of the homeless veterans on the streets. This is really unacceptable.

We need to work together in the next Congress to acknowledge where there are problems in the VA system and fix them.

Finally, I want to thank all of the VA staff on both the Republican and Democratic side for their dedication and hard work, and I know they have worked into the night for the last two nights to serve our Nation's veterans. I personally appreciate the work that they have done, and I appreciate the work that the leadership has done. I think it is a good bill. It is a good start, and I urge my colleagues to support it.

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

Mr. BUYER. Mr. Speaker, I yield 5 minutes to the gentleman from South Carolina (Mr. BROWN), the subcommittee chairman on health.

Mr. BROWN of South Carolina. Mr. Speaker, I thank the gentleman for yielding me this time.

Let me begin by thanking our esteemed chairman Mr. BUYER for all his hard work this Congress. Under his leadership, this committee has fought to do what is right for veterans, and I am proud to serve on this committee and even more proud to call him my friend.

I also want to thank our ranking member, Mr. EVANS, and acting ranking member, Mr. FILNER, and my ranking colleague Mr. MICHAUD for all of their efforts. I have a great deal of respect for the bipartisan commitment to our Nation's veterans this committee holds and look forward to continuing our work together next year.

Likewise, Chairman CRAIG and Ranking Member AKAKA of our sister committee in the Senate have also made enormous contributions to the bill before the House today, and I appreciate their support for moving this compromise agreement before this Congress adjourns.

All of us have had the opportunity to spend time with some of the men and women who have been injured as a result of their service to this Nation. There are few more important ways we could demonstrate our appreciation for their sacrifice than to set in place authorizations that will help improve the quality and access to health care services these folks will require. I believe we have accomplished that in this bill.

The legislation we are now considering incorporates substantial measures contained in a number of House and Senate bills addressing veterans health care benefits. As the Health Subcommittee chairman, I am especially pleased that this bill supports new and innovative collaborative partnerships between VA and medical universities and Federal, State and local health entities and the private sector to improve the quality of care delivered to those who have faithfully

served this country. The chairman believes, as I do, that local health care economies can and should be leveraged whenever possible to enhance VA health care delivery and keep pace with 21st-century technology.

Collaboration is becoming increasingly essential in delivering health care across the Nation. So long as we remain true to the distinct identity of the VA, and so long as we ensure the continued quality associated with VA care, VA collaboration on joint ventures with its extensive medical university affiliations and the Department of Defense could be mutually advantageous for all organizations.

In the package before us today, we have a number of exciting possible collaboration projects, including one that is certainly dear to me, and that is the authorization of the advanced planning and design for what might someday be a joint hospital complex between the VA and the Medical University of South Carolina. Likewise, the bill also authorizes co-location of a new VA medical center with the Louisiana State University in New Orleans, a project that is incredibly important considering the devastation that was visited on the area by Hurricane Katrina.

As I have stated, I believe the collaborative projects are critically important in terms of fully leveraging available local resources, and I am hopeful that the diligent and bipartisan work of the committee in this area will continue in the new Congress.

In addition to the construction-related provisions of this bill, I would like to briefly mention a few of the important health measures this bill includes:

Improves VA's ability to respond to the mental health needs of our veterans, including increasing mental health care funding, expanding mental health services at all VA facilities and increasing the number of clinical care providers dedicated to the treatment of PTSD;

Establishes an Office of Rural Health and improves outreach programs to increase access to care for veterans in rural areas;

Requires the Secretary of the VA to establish a strategic plan for long-term care; and

Extends and improves programs for homeless veterans, including grants for community care providers and VA treatment and rehabilitation services for homeless veterans who are mentally ill.

Whether it is improved access to vet centers for newly returning veterans, the improved access to telehealth services, or the codification of the Parkinson's disease and MS centers, this bill is important. It is not only important because of the authorizations it contains but because it represents our commitment to those who have served. I am committed to doing what is right on their behalf, and I know my colleagues on the committee feel the same.

So I would urge the rest of my friends in this body to support this bill, and in doing so, send a strong signal to our servicemembers letting them know that we support them, not only when they are in harm's way but upon their return as well.

Again, I urge my colleagues to join me in supporting this legislation.

Mr. BUYER. Mr. Speaker, I yield 2¼ minutes to the gentleman from Arkansas (Mr. BOOZMAN), subcommittee chairman.

Mr. BOOZMAN. Mr. Speaker, I certainly want to congratulate Mr. BUYER and thank him and thank the staff on both sides, the chairman, Ranking Member EVANS, Acting Ranking Member FILNER, and again all of the staff for your hard work in getting this bill together. It is a very, very good bill.

The bill before the House makes improvements in nearly every major area of veterans programs. I am especially proud of the provisions that originally passed the House in H.R. 3082. That bill, and now S. 3421, contains significant changes to how the Department of Veterans Affairs and the Department of Labor's Veterans Employment and Training Service meet the small business and employment needs of America's veterans.

Mr. Speaker, the Federal Government has fallen woefully short in meeting the disabled veteran-owned small business contracting goals set forth in Public Law 106–50 and Presidential Executive Order 13360. Since the law and directive took effect, only one major Federal agency has met the 3 percent goal for disabled veteran-owned small businesses. This is certainly a very, very poor record. This bill provides the Department of Veterans Affairs with the tools and requisite authorities to not only meet the goal but to exceed the goal.

The bill also makes several important improvements in the delivery of employment services to veterans. As a result, State workforce agency employees funded by the Veterans Employment and Training Service will be better trained in their duties. The Secretary of Labor will have additional authority to hold States accountable for job placement results. The bill also makes it easier for servicemembers transitioning to civilian life by authorizing a pilot program to break down barriers to qualifying for State licenses based on military training, education, and experience.

Mr. Speaker, again, this is an excellent bill. I want to again thank you for all of the hard work on both sides for the effort that was done and very much support the passage of this bill.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY), my classmate.

Mrs. MALONEY. Mr. Speaker, I thank the gentlewoman for yielding and for her leadership on this extremely important issue and many others.

I rise in strong support of this bill. We need to support our veterans when they are in harm's way; and when they return home, we have to give them the support for their health care and for their lives that they deserve.

I am very pleased that the Veterans Administration is continuing to support the 23rd Street Veterans Hospital in Manhattan in my district, which is rated as one of the best veterans hospitals in this country, a center of excellence in six different categories.

Under this bill, that hospital and other veterans hospitals and outreach centers will have additional support for mental health. Regrettably, many of our veterans from Iraq and Afghanistan, and our veterans even from the Vietnam and the Gulf wars, are suffering from post-traumatic stress. Many of them have this challenge, and this bill addresses it and puts support there for our returning men and women.

I am extremely pleased that one of the first bills that I ever introduced in this Congress, H.R. 4537, the Veterans Housing Fairness Act, is part of this bill. A home is a home whether you live in a condominium or in a traditional house or a mobile home or a townhouse. Yet, currently, VA loans cannot be used to purchase cooperative residential units.

□ 1200

This bill corrects this and allows veterans, whether they live vertically in co-ops or horizontally in homes or in mobile homes, it allows them to use this loan to purchase their home. A home is a home for a veteran, no matter where they are. This will help many returning veterans and veterans that currently live in New York City. And I thank my colleagues for their support, particularly Senator SCHUMER in the Senate and of course Chairman BUYER and Ranking Member FILNER for their hard work on this. Let me tell you that it is so important, what we are doing today. This includes many important provisions, and I thank them.

As the cochair of the Parkinson's caucus, I am very pleased that the bill includes six Parkinson's Disease research education centers. Regrettably, many of our returning veterans are suffering from Parkinson's similar symptoms, and this will help us to research this, help our veterans and others suffering from Parkinson's.

It is a thoughtful bill, it is inclusive, and I am particularly pleased that it is one of the first bills that I introduced; a home is a home whether it is a co-op or a mobile home, and our veterans will be able to use their VA loans to purchase the appropriate housing for them in the areas that they live.

I thank all of my colleagues for their hard work on this. My colleague, CORRINE BROWN, we came to Congress together. I thank you very much. I thank as well SHELLEY BERKLEY.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I have no further requests

for time, and I yield back the balance of my time.

Mr. BUYER. Mr. Speaker, I would like to thank my colleagues from the committee from both sides of the aisle for their bipartisanship in the crafting and supporting of a substantive and forward-thinking bill. It enhances veterans health care and benefits both through stronger veterans programs and through fundamental organizational reforms and innovation.

I would also like to thank the chairman of the House Armed Services Committee and Ranking Member IKE SKELTON. Mr. SKELTON, if you please, extend to your staff, they worked through the night with us, because there are certain things in our bill that mentioned DOD and they were wonderful to work with. So please extend our appreciation for their work.

I would also like to thank the leadership of Chairman HENRY BROWN and Ranking Member MIKE MICHAUD for their good work on the Health Subcommittee; Chairman JEFF MILLER and Berkley on their leadership on benefits; Chairman JOHN BOOZMAN and his leadership, along with Ms. HERSETH on economic opportunity; Chairman Michael Bilirakis and Mr. STRICKLAND on ONI.

I would also like to extend an appreciation to Ranking Member LANE EVANS and that of the acting Ranking Member, Mr. FILNER. I also extend deep appreciation to Senator LARRY CRAIG and Ranking Member AKAKA of the Senate Veterans Affairs Committee whose vision and collaborative spirit do veterans justice.

Without the around-the-clock efforts by our dedicated staff both in the House and the Senate, I would not be standing here today, nor would our veterans and their families be the beneficiaries of a better VA system tomorrow.

I also want to thank Senator LINDSEY GRAHAM and former Senator Ernest Hollings and Dr. Ray Greenberg of MUSE, who recognized the value of the ''Charleston model'' that will now be hopefully leveraged across the country to bring state-of-the-art medicine to veterans.

I also want to thank Senator RICHARD BURR from North Carolina for his leadership and care to provide for America's homeless veterans.

GENERAL LEAVE

Mr. BUYER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks, and that all Members may have 5 legislative days to revise and extend their remarks and include extraneous matter on S. 3421.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. MILLER of Florida. Mr. Speaker, I seek recognition to express my support for the House amendment to S. 3421, the Veterans Benefits, Health Care, and Information Technology Act of 2006. This bill contains more than 60 provisions that will improve the lives and well-being of servicemembers, veterans, and other Department of Veterans Affairs (VA) beneficiaries. I would like to address a few of the provisions contained in the compromise agreement.

Section 101 of the House amendment would permit veterans and other claimants seeking benefits from VA to have the choice of hiring and paying an attorney to represent them before the agency once a notice of disagreement has been filed. Current law prohibits an attorney from receiving a fee for representing a claimant until the Board of Veterans' Appeals renders its first decision on the claim. Unfortunately, the claims process has become very complex and can be very overwhelming to some claimants. This provision would give veterans the option of hiring an attorney earlier in the process if they believe they need assistance with their claim. Unlike some who have opposed this policy change, I believe veterans are competent to make their own decision as to whether they want to hire an attorney to assist them with their claim. This section is similar to a bill I introduced earlier this year, H.R. 5549, the Veterans' Choice of Representation Act of 2006.

Section 401 of the House amendment would authorize the Secretary to furnish a memorial headstone or marker for an eligible dependent child whose remains are unavailable, or, if feasible, add a memorial inscription to an existing headstone or marker provided by VA. Currently, VA may provide a memorial headstone or marker for a veteran, spouse, or surviving spouse when remains are unavailable. However, if a spouse and child die at the same time and in the same manner and their remains are unavailable, a veteran cannot receive a memorial headstone honoring the child. The provision would correct this inconsistency and is identical to a provision what was passed by the House in July 2006.

Section 402 of the House amendment would extend, until December 31, 2007, the Secretary's authority to furnish a government marker to those families who request one for the marked grave of a veteran buried at a private cemetery and who died on or after September 11, 2001. Under current law the Secretary's authority expires on December 31, 2006. This provision was also passed by the House in July of this year.

Section 403 of the House amendment would authorize the Secretary to make grants to tribal organizations to assist them in establishing, expanding, or improving veterans' cemeteries on trust lands. Under current law, tribal organizations are not eligible for state cemetery grants. This provision was passed by the House in July 2006.

Section 404 of the House amendment would direct the Secretary of the Army to remove the remains of Russell Wayne Wagner from Arlington National Cemetery and establish procedures that the Secretary must follow in carrying out this directive. Mr. Wagner was a convicted murderer who died in prison but slipped through a crack in the law and was inurned at Arlington National Cemetery. Congress amended the law to tighten eligibility standards earlier this year and this provision would restore the sanctity of Arlington by removing his remains from this hallowed ground. I support this provision, which is similar to section 3 of H.R. 4352, a bill I introduced in November 2005.

I would like to mention one final provision that is of interest to me. Section 823 of the House amendment would require the VA, in consultation with the Secretaries of Defense and Air Force, to submit to the Committees on Veterans' Affairs and Armed Services of the Senate and House of Representatives a report on the options for the construction of a new medical facility in Okaloosa County, Florida. The report would be due 180 days after the date of enactment of this bill. This report is an important step forward in determining the best way to address the VA health care needs of veterans and servicemembers in and around Okaloosa County.

In closing, it has been an honor to serve with the dedicated members of the Veterans' Affairs Committee and to chair the Subcommittee on Disability Assistance and Memorial Affairs during the 109th Congress. I look forward to continuing to work with my colleagues on both sides of the aisle in the 110th Congress to continue to build on the good works we have done this Congress.

The bill before us today represents the culmination of thousands of hours of work and a great amount of energy expended by members and staff of the House and Senate Veterans' Affairs Committees and the provisions of this bill will benefit veterans and other VA beneficiaries.

I urge my colleagues to support the House amendment to S. 3421.

Mr. LANGEVIN. Mr. Speaker, today we are debating S. 3421, a bill that would authorize major Veterans Affairs medical facility projects and also overhaul VA information technology.

A goal of this bill is also to provide more resources for mental health services to veterans. It is one of our most important obligations to help those troops returning from combat to readjust to society, particularly those suffering from mental health issues, such as Post-Traumatic Stress Disorder (PTSD). Research has already demonstrated that military service in Iraq and Afghanistan, like service in past combat zones, is having an adverse effect on the mental health of our men and women in uniform.

We have certainly improved the mental health services offered to our troops. However, I am concerned about a recent Government Accountability Office report which found that not only did the VA not spend all of its money allocated for mental health services, but they also lacked proper oversight of how the funding was spent. Furthermore, there have been media reports that the mental health services in place for servicemembers returning from Iraq and Afghanistan have been overwhelmed and unable to accommodate those seeking help in a timely fashion. It has also been reported that the stigma surrounding the admission of having mental health issues still exists. Sadly, many servicemembers are afraid to admit to symptoms related to PTSD while still in the service, since it may jeopardize their military career.

Mr. Speaker, we cannot cut corners on this issue, and we certainly cannot ignore the veterans and servicemembers who will be left behind if they do not get the help they need. Our patriotic and reassuring words are not enough, especially when we are dealing with men and women with real mental health issues. We must ensure that our veterans and servicemembers are provided with the access to specialized mental health care they deserve. We need to legislate better oversight, both to ensure the funding is allocated appropriately, and also to make sure the programs

are working properly and addressing all concerns.

I am ready to deal with this difficult issue in the next Congress because we owe it to the brave men and women who have served our nation with courage and integrity. We need to show them the same.

Mr. BUYER. 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 Indiana (Mr. BUYER) that the House suspend the rules and pass the Senate bill, S. 3421, as amended.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill, as amended, was passed.

The title of the Senate bill was amended so as to read: ''An Act to amend title 38, United States Code, to repeal certain limitations on attorney representation of claimants for benefits under laws administered by the Secretary of Veterans Affairs, to expand eligibility for the Survivors' and Education Assistance Program, to otherwise improve veterans benefits, memorial affairs, and healthcare programs, to enhance information security programs of the Department of Veterans Affairs, and for other purposes.''.

A motion to reconsider was laid on the table.

IRAQ RECONSTRUCTION ACCOUNTABILITY ACT OF 2006

Mr. HUNTER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 4046) to extend oversight and accountability related to United States reconstruction funds and the efforts in Iraq by extending the termination date of the Office of the Special Inspector General for Iraq Reconstruction.

The Clerk read as follows:

S. 4046

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 ''Iraq Reconstruction Accountability Act of 2006''.

SEC. 2. MODIFICATION OF THE TERMINATION DATE FOR THE OFFICE OF THE SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION.

Section 3001(o) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1238; 5 U.S.C. App., note to section 8G of Public Law 95–452), as amended by section 1054(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364), is amended to read as follows:

''(o) TERMINATION.—(1)(A) The Office of the Inspector General shall terminate 10 months after 80 percent of the funds appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund have been expended.

''(B) For purposes of calculating the termination of the Office of the Inspector General under this subsection, any United States funds appropriated or otherwise made available for fiscal year 2006 for the reconstruction of Iraq, irrespective of the designation of such funds, shall be deemed to be amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund.

''(2) The Special Inspector General for Iraq Reconstruction shall, prior to the termination of the Office of the Special Inspector General under paragraph (1), prepare a final forensic audit report on all funds deemed to be amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the legislation under consideration.

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

There was no objection.

Mr. HUNTER, I yield myself such time as I may consume.

Mr. Speaker, this is an extension of oversight and accountability related to United States reconstruction funds and efforts in Iraq by extending the termination date of the Office of Special Inspector General for Iraq Reconstruction. Mr. Speaker, let me just say to my colleagues that to some degree this is what I categorize, in my humble experience as a Representative and a Member of this body, as one of those thin-air issues. This was an issue which was created out of thin air by a press corps which I guess was under a direction to come up with some issues immediately before the last election.

This goes to the expiration of the Inspector General for the reconstruction money being spent in Iraq. And the initial formulation was that after 80 percent of that reconstruction money had been spent, that the time for the Inspector General before he handed it off, handed off his duties back to the Department of Defense Inspector General who oversees such funds also, would extend 10 months after 80 percent of that money had been spent.

Now, as we were putting the defense bill together, and you had a story that came out of one of the Nation's newspapers, I think it was the New York Times, that said that somehow somebody had inserted a provision in this defense bill that they said, that at the last minute and in the dark of night, that would somehow cut off the Inspector General and his oversight responsibilities.

And let me just say, Mr. Speaker, that is not the case, and I have now learned why we have signature sheets on each provision of the defense bill as it is put together where you have a sign-off by the Democrats and Republicans on each and every provision.

In August, a month before we finished the defense bill, hardly the last minute, we inserted what I call a handoff provision, and it simply said, instead of saying 10 months after 80 percent is spent, and since in November we had spent already about 75 percent, we almost hit the threshold, we figured that that meant that 10 months after that was around October 31 of next year. So we put a date certain, that is, October 31, in the bill as the handoff date from the Inspector General, the Special Inspector General, to the Department of Defense IG. So we wanted to have a date certain.

At that time, and this was done in a very ministerial fashion, representatives from the Democrat side and the Republican side in the conference for the other body and for ourselves, four signatures, count them, four, were attendant to this particular provision. So it wasn't done in the dark of night and it wasn't done at the last minute; it was done in the total open after careful review by all parties, and it simply gave us a date certain for the time that we thought was about the time that would be 10 months after 80 percent of the funds were spent.

Now, after a flurry in the press, we got a Member from the other body who said, ''I knew nothing about this.'' We highly suggest that that Member read the bill as it was being put together. She said, ''My staff may have known but I didn't.'' Perhaps the staff of that particular Member and she should communicate so that she knows what they are signing. But this is a very ministerial thing. There was no motivation to try to extend or try to cut off the IG; it was simply assigning a date certain for the handoff from the Special IG to the DOD IG.

Now, you may ask, well, in that case, why are you supporting this? Well, I am supporting it for a couple reasons. One, I don't care if we extend the Inspector General, the Special Inspector General, although I will object if we end up keeping that team in place after all the money has been spent and there is nothing for them to do, although that may give rise to another New York Times story. But I think it is fine; if they want to have another date certain and if they want to include additional reconstruction money, which this provision does, that is additional 2006 money that goes to reconstruction, that is fine also. So Mr. Speaker, this is one of those thin-air issues that needs to be put to rest.

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

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

I rise in strong support of S. 4046, the Iraq Reconstruction Accountability Act, which was introduced in the Senate by Senator COLLINS and is the companion measure to my bill, the bill I introduced, H.R. 6341, which is pending here in the House.

I can honestly say that if we pass this bill today, and I believe we will, it will be a good day for the American taxpayer. This bill is vital to ensure

that the good work of the Special Inspector General for Iraq will continue as long as we remain in Iraq. It should not be a partisan issue, and I am glad to see this bill come to the floor today with bipartisan support.

In particular, I want to thank DUNCAN HUNTER, who has ably led the Armed Services Committee for the past 4 years, and who will serve as my ranking member in the next Congress. I look forward to working with him during the next Congress.

Mr. Speaker, during our conference with the Senate on the defense authorization bill this year, Chairman HUNTER agreed to expand the jurisdiction of the Special Inspector General for Reconstruction in Iraq to include reconstruction funds approved by Congress in 2006, at the same time the conference decided to change the date upon which the SIGIR would be terminated from a date dependent upon when the money was all spent to a date certain, October 1, 2007.

Although I disagree with that decision, it was done in an open and fair manner during the regular course of the conference discussions, and I want to recognize the fact that Chairman HUNTER always approached this issue in an upfront and honorable way.

Furthermore, although Chairman HUNTER continues to believe that the October 1 termination date is appropriate, he raises no objection to the consideration of the Skelton-Collins bill. For that, I wish to thank the gentleman.

The Special Inspector General for Iraq Reconstruction has been given a unique mandate by Congress, a mandate to review our rebuilding activities in Iraq. Billions of taxpayer dollars have been committed to this effort, often using abbreviated contracting procedures, and these activities are being carried out in an environment uniquely challenging not only for contractors but for the auditors attempting to oversee them.

The SIGIR has done a remarkable job in providing constructive and aggressive oversight of these activities, and that group estimates that its oversight and audit activities have resulted in savings as well as potential benefits of some $405 million. I am confident that those savings will only increase as a result of the bill we consider here today, Mr. Speaker.

I would point out that this bill passed the Senate with strong bipartisan support under unanimous consent, without any amendment, and my original bill here in the House just a few weeks ago has some 58 cosponsors, including a number of well-respected Republicans, including several senior leaders on defense issues.

□ 1215

In addition, incoming Defense Secretary Bob Gates testified to the Senate that he truly believes that the special inspector general for Iraq reconstruction should be extended, and the Iraq Study Group as well include the extension in its recommendations. We would be wise to heed the counsel of both Secretary-designee Gates as well as the Baker-Hamilton group.

Mr. Speaker, I ask my colleagues to support this bill. Vote for accountability; vote for good government. I can assure you it is the right thing to do.

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

Mr. HUNTER. Mr. Speaker, I yield myself the balance of my time.

I want to thank my great colleague from Missouri for his wonderful service to the Armed Services Committee and the people of this country. He will be ascending to the post of chairman in just a couple of weeks or so, and we look forward to working together with him. In fact, that may be a congratulatory phone call coming in right now, IKE. Let me just say, he has been a great colleague.

Mr. Speaker, we have a number of other colleagues who are leaving, and I know we have a very limited time and Members have been coming down in the limited amount of time we have and talking about their departing colleagues.

I just want to mention that Mr. WELDON is also leaving as serving this country well. Probably no one has been a greater champion of missile defense than Mr. WELDON. And Mr. HEFLEY, our great readiness chairman, is leaving also. As is Mr. GIBBONS. Also Mr. ROB SIMMONS of Connecticut, who did such a marvelous job of working undersea warfare; and Mr. RYUN who represents that great Fort Riley, Kansas district and whose heart is with our military folks so strongly, is also leaving. Other members are leaving also from the committee. I want to thank them for the great work that they have done for our country and also for this committee.

Also, I watched a Special Order being given the other night about a giant in this House of Representatives, HENRY HYDE, the great HENRY HYDE of Illinois who led this body in major debates in the Cold War, helping to bring down the Berlin Wall and win that war. In the struggle in Central America between the Soviet Empire and the United States which was resolved in favor of freedom, and in the arms control debates that erupted on a regular basis over the last 25 years or so, HENRY HYDE has been a giant in this body. I heard several Democrat Members giving great statements about HENRY HYDE. I just want to add my statements and appreciate for his wonderful leadership.

I want to say to my good colleague from Missouri, we have a very bipartisan committee, the Armed Services Committee, and I look forward to working with him to continue to do the most important thing that we are charged to do under our Constitution, and that is to protect this country. In doing that, we raise and equip the Army and Navy and Marine Corps and the Coast Guard. It has been a wonderful job being chairman of the committee, and I look forward to working as a partner with the gentleman from Missouri in continuing this work for our Nation.

Thank you, Mr. Speaker, for letting us get a little bit off subject. I am sure that the inspector general team will be relieved to know that they are not going to be terminated on October 31 of next year, but that they will have license to continue to work for an extended period of time beyond that. I thank the gentleman for his contribution.

Mr. Speaker, I yield back the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield 1½ minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I thank Mr. SKELTON and Mr. Chairman.

Mr. Speaker, I rise in support of this legislation to continue the work of the special inspector general for Iraq reconstruction. Our Nation is committing substantial taxpayer funds to reconstruction in Iraq. The most recent report of the special inspector general states that over $18 billion has been obligated as of the end of September. Further funds have been appropriated to continue reconstruction and assistance to Iraqi security forces in the current fiscal year.

We know that the situation in Iraq is difficult and there is a vigorous national debate about how to best proceed. The security environment is extremely dangerous. Iraq's government institutions are not working well, and the economy is struggling. For as long as we continue to expend our resources there, it is important that we, including the Congress, Department of State, and Department of Defense, get the best oversight and accounting that we can of how these resources are being applied. This not only provides accountability for us; it also helps us demonstrate to Iraq's government ministries what we believe to be necessary practices of good government and accountability.

I am very encouraged that Dr. Bob Gates, the incoming Secretary of Defense, endorsed continuing the work of the special inspector general. And further, that recommendation No. 69 of the Iraq Study Group specifically calls for sustaining the special inspector general.

I urge my colleagues to vote for this bill to ensure that this important oversight and accountability function continues for as long as we are committing significant resources to Iraq's reconstruction.

There is no doubt that there is very significant problems of corruption and criminality in Iraq. It is regrettable that we have to say that, but I think this inspector general has done an outstanding job and we should overwhelmingly pass this bill and indicate our support for this legislation.

Mr. SKELTON. Mr. Speaker, the gentleman from California was kind enough to mention the fact that we look forward to next year, and I look forward to working with him as ranking member. And I appreciate his many, many courtesies to me during his tenure as chairman, and our friendship shall continue. Thank you for that.

We are going to be losing, as Chairman HUNTER mentioned, several people from our Committee on Armed Services. I wish to make special mention of Congressman LANE EVANS who has been a leader in veterans affairs, the ranking member of that committee, and we will miss him sorely. He has made a great contribution for a good number of years, and I wish to publicly thank Congressman EVANS for his efforts, undying efforts through the years.

CYNTHIA MCKINNEY will be leaving. CURT WELDON will be leaving; he spoke yesterday in the committee. JOEL HEFLEY, that marvelous gentleman from Colorado who has worked with me in particular on military construction efforts that have been so successful for the State of Missouri, and I should mention that his tireless efforts through the years in that arena were very, very good. Dr. JOE SCHWARZ will be leaving. There are others. Chairman HUNTER mentioned them by name. These folks that I mentioned made a great contribution, and I wish to acknowledge them at this time.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, JOE SCHWARZ did a wonderful job on our committee, bringing a great intelligence background to the committee. It was wonderful value added to the many hearings and conferences and debates and considerations. We appreciate him as well. I thank the gentleman for bringing his name up.

Mr. HAYES. Mr. Speaker, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from North Carolina.

Mr. HAYES. Mr. Speaker, let me add my thanks and congratulations to those that you have added, and to also add literally as we speak, General John Vines, the commanding general of the 18th Airborne Corps, a wonderful American, a patriot, a great warrior, a veteran of Iraq, and one of our most valued assets. The change of command ceremony and retirement is today, and I wanted to add his name to that list of distinguished folks.

Mr. REYES. Mr. Speaker, I rise today to express my strong support for the Iraq Reconstruction Accountability Act. While I am pleased that we will have the opportunity to vote on this matter, it is important to note that we are not expanding accountability but are in fact correcting a mistake.

Earlier this year, language was included in the National Defense Authorization Act to terminate funding and authority for the Office of the Special Investigator General for Iraq Reconstruction. This organization is critical to ensuring that taxpayers dollars are being used wisely, and the office has already uncovered millions of dollars lost to waste and fraud.

Besides protecting the integrity of the Iraq reconstruction program and providing accountability to the American taxpayers, the Office of the Investigator General, is also helping the Iraqi government fight a culture of corruption. Corruption is a scourge on the Iraqi society that threatens its stability. It not only drains needed funds from the fledgling government, but funds skimmed from government coffers may also finance criminal and insurgent operations.

I urge my colleagues to support this measure to maintain accountability for the American people and the Iraqi people.

Mr. ORTIZ. Mr. Speaker, this bill on the floor today represents the way we hope to proceed with our colleagues in the new Congress: bipartisan cooperation on matters important to the American people.

Democrats on the House Armed Services Committee moved quickly to ensure the lame duck Congress repealed some of the mistakes made in the just-passed Defense authorization bill.

Today we begin by reinstating the remarkably candid and useful office of the Special Inspector General for Iraq Reconstruction.

Democrats are talking to our colleagues and incoming leaders, and with the current leaders of Congress, attempting to take care of some of the most important things that have been ignored by Congress during this decade.

In the instance of trying to keep the Special Inspector General for Iraq Reconstruction, we wanted to act quickly in the lame duck, so that one tiny component of the transparency we actually already have does not go away.

In the coming Congress we will be holding hearings to get a better understanding of what is actually going on in the field.

Transparency and accountability will be the watchwords of the day.

In order for this Congress to get the confidence of the American people, we must be painfully honest about everything that is going on . . . and let the chips fall where they may.

The only thing worse than wasting the taxpayer's money, is hiding that fact.

I thank Mr. SKELTON for his leadership with Chairman HUNTER.

Mr. SHAYS. Mr. Speaker, I am grateful we are considering this legislation to extend the date for termination of the Office of the Special Inspector General for Iraq Reconstruction, SIGIR. This office provides a hugely important function as a watchdog for fraud, waste, and abuse of funds intended for Iraq reconstruction programs.

The American taxpayer deserves vigorous and continuous oversight of how funds are being spent in Iraq. It is also important to the Iraqi people, for whom the American Government provided a generous package of development and reconstruction funds that have not always been spent wisely.

I have made 15 trips to Iraq and have seen firsthand the essential work done by this office. Congress clearly made a mistake in passing the fiscal year 2007 Defense Authorization Act allowing the SIGIR office to close prematurely.

This legislation will correct that mistake and also wisely require SIGIR to prepare a final forensic audit on all funds appropriated to the Iraq Relief and Reconstruction Fund, IRRF.

As chairman of the Government Reform Subcommittee on National Security, Emerging Threats and International Relations, and working under the leadership of Committee Chairman TOM DAVIS, I have held several oversight hearings on contracting in Iraq.

We've investigated the failure to establish realistic requirements and to define contract terms and conditions, limited competition and insufficient agency oversight. Reports provided to us by SIGIR were invaluable.

We all recognize that the security situation in Iraq makes reconstruction especially difficult and dangerous. But the Government has a responsibility to the taxpayer to do all that it can to ensure that dollars are spent wisely and well.

We have a special responsibility to our soldiers and marines in Iraq. One of the most important reasons Congress appropriated money for Iraq reconstruction was to support our troops by showing the Iraqi people we wanted to help them build a new Iraq, and reduce the risk that an insurgency would develop and grow. We know the insurgency exists and sectarian violence has flared, but the importance of the projects funded through the IRFF has not diminished in the slightest.

Finally, I believe a strong watchdog office like SIGIR will help us to learn lessons about the realities of contracting in a post-conflict environment.

I am grateful my colleagues in the Senate, SUSAN COLLINS and JOSEPH LIEBERMAN, offered this legislation. I also thank Mr. SKELTON who offered this legislation in the House and recognized the need to continue SIGIR's mission.

Mr. CASTLE. Mr. Speaker, I rise in support of S. 4046, the "Iraq Reconstruction Accountability Act." As our brave men and women in Iraq risk their lives to stabilize the region and rebuild the nation's infrastructure, it is absolutely crucial that the Special Inspector General for Iraq Reconstruction remain in place to ensure proper oversight of this important funding.

To date, we have appropriated over $34 billion for reconstruction efforts in Iraq—ranging from projects such as roads and electric power, to training and equipping Iraqi security forces and providing school books and vaccinations for children. While there is no doubt that this funding is crucial to the reconstruction efforts, I have serious concerns about the adequacy of contract management practices at the Department of Defense and I have introduced legislation to begin reforming some of these wasteful programs.

The Inspector General for Iraq plays a critical role, performing audits and investigations that provide Congress with the tools to more closely examine charges of misconduct and ensure effective and efficient use of taxpayer funds. Spending missteps and management weaknesses damage this government's ability to provide our soldiers with the resources that keep us safe. This week, as we review the recommendations of the Iraq Study Group, I also urge my colleagues to pass this important legislation to ensure accountability in our military spending system.

Mr. SKELTON. Mr. Speaker, it appears that I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HUNTER) that the House suspend the rules and pass the Senate bill, S. 4046.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

H. Res. 1101, by the yeas and nays;

H. Res. 1099, by the yeas and nays;

motion to suspend the rules on H. Res. 1088, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 5682, HENRY J. HYDE UNITED STATES-INDIA PEACEFUL ATOMIC ENERGY COOPERATION ACT OF 2006

The SPEAKER pro tempore. The pending business is the vote on adoption of House Resolution 1101, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 355, nays 55, not voting 22, as follows:

[Roll No. 529]

YEAS—355

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
LaHood
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Northup
Nunes
Nussle
Oberstar
Ortiz
Osborne
Pallone
Pascrell
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwarz (MI)
Scott (GA)
Scott (VA)
Sekula Gibbs
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Sires
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Sullivan
Tancredo
Tanner
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—55

Baird
Baldwin
Becerra
Berry
Brady (PA)
Capps
Cleaver
Conyers
Costello
DeLauro
Dingell
Doggett
Farr
Grijalva
Gutierrez
Harman
Hinchey
Holt
Honda
Hooley
Kanjorski
Kennedy (RI)
Kucinich
Langevin
Larson (CT)
Lee
Lewis (GA)
Markey
Marshall
Matsui
McKinney
Miller, George
Moore (WI)
Nadler
Obey
Olver
Owens
Pastor
Payne
Rothman
Sanchez, Loretta
Schwartz (PA)
Slaughter
Solis
Stark
Stupak
Tauscher
Taylor (MS)
Udall (CO)
Udall (NM)
Velázquez
Waters
Waxman
Woolsey
Wu

NOT VOTING—22

Baker
Blumenauer
Burton (IN)
Case
Cubin
Davis, Jo Ann
Evans
Fattah
Ford
Gallegly
Gibbons
Gillmor
Hastings (WA)
Kolbe
Norwood
Otter
Oxley
Paul
Strickland
Sweeney
Taylor (NC)
Watson

□ 1257

Mr. DOGGETT changed his vote from ''yea'' to ''nay.''

Messrs. MARCHANT, MURPHY, WEINER, MILLER of North Carolina, BARROW and Ms. MILLENDER-MCDONALD changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. NORWOOD. Mr. Speaker, on rollcall No. 529, Waiving all points of order against the conference report to accompany H.R. 5682 and against its consideration, had I been present, I would have voted "yes."

RELATING TO CONSIDERATION OF H.R. 6111, TAX RELIEF AND HEALTH CARE ACT OF 2006

The SPEAKER pro tempore. The pending business is the vote on adoption of House Resolution 1099, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 247, nays 164, not voting 21, as follows:

[Roll No. 530]

YEAS—247

Abercrombie
Aderholt
Akin
Alexander
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costa
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon

Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Issa
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey
Matheson
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Nunes
Nussle
Ortiz
Osborne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwarz (MI)
Sekula Gibbs
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Stupak
Sullivan
Tancredo
Tanner
Taylor (MS)
Terry
Thomas
Thornberry
Tiberi
Towns
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NAYS—164

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (NY)
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Fitzpatrick (PA)
Frank (MA)
Gerlach
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Israel
Jackson (IL)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Marshall
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rahall
Rangel
Rehberg
Reichert
Rothman
Roybal-Allard
Ruppersberger
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Simpson
Sires
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Tauscher
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Westmoreland
Wexler
Woolsey
Wynn

NOT VOTING—21

Baker
Blumenauer
Burton (IN)
Cubin
Davis, Jo Ann
Evans
Fattah
Ford
Gallegly
Gibbons
Gillmor
Istook
Kolbe
Norwood
Otter
Oxley
Paul
Strickland
Sweeney
Taylor (NC)
Watson

□ 1312

Mr. Levin, Ms. VELÁZQUEZ and Mr. ISRAEL changed their vote from ''yea'' to ''nay.''

Mr. MARKEY and Mr. ROSS changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. NORWOOD. Mr. Speaker, on rollcall No. 530, relating to consideration of the bill H.R. 6111 to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending, had I been present, I would have voted "yes."

CONGRATULATING MR. AND MRS. HENRY HYDE

(Mr. KIRK asked and was given permission to address the House for 1 minute.)

Mr. KIRK. Mr. Speaker, I would like to announce to the House that HENRY HYDE has made a major decision in his life.

Mr. Speaker, I yield to the gentleman from Indiana.

Mr. PENCE. On behalf of an extraordinary career, but what we know will be an extraordinary future, I am pleased to announce HENRY HYDE's recent marriage on the day after Thanksgiving. We wish you all the best, our friend, for many, many years.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMMONS). Without objection, 5-minute voting will continue.

There was no objection.

EXPRESSING SUPPORT FOR LEBANON'S DEMOCRATIC INSTITUTIONS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 1088.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 1088, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 24, as follows:

[Roll No. 531]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy

McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sekula Gibbs
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—24

Baker
Berman
Blumenauer
Burton (IN)
Cubin
Davis, Jo Ann
Evans
Fattah
Ford
Gallegly
Gibbons
Gillmor
Istook
Kolbe
Miller (MI)
Napolitano
Norwood
Otter
Oxley
Paul
Strickland
Sweeney
Taylor (NC)
Watson

□ 1324

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: ''Expressing support for Lebanon's democratic institutions and condemning the recent terrorist assassination of Lebanese Parliamentarian and Industry Minister Pierre Amine Gemayel.''.

A motion to reconsider was laid on the table.

Stated for:

Mrs. MILLER of Michigan. Mr. Speaker, on rollcall No. 531, my vote was not recorded though I did attempt to vote by electronic device. I wish for the RECORD to reflect that I was present and attempted to vote "yea."

Mr. NORWOOD. Mr. Speaker, on rollcall No. 531, expressing support for Lebanon's democratic institutions and condemning the recent terrorist assassination of Lebanese parliamentarian and Industry Minister Pierre Amine Gemayel, had I been present, I would have voted "yes."

TAX RELIEF AND HEALTH CARE ACT OF 2006

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 1099, I call up from the Speaker's table the bill (H.R. 6111) to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending, with a Senate amendment thereto, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

On page 3, line 17, strike ''on or''.

MOTION OFFERED BY MR. THOMAS

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 1099, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Motion offered by Mr. THOMAS:

Mr. THOMAS moves to concur in the Senate amendment with an amendment.

The text of the House amendment to the Senate amendment is as follows:

House amendment to Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Tax Relief and Health Care Act of 2006''.

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

Sec. 1. Short title, etc.

DIVISION A—EXTENSION AND EXPANSION OF CERTAIN TAX RELIEF PROVISIONS, AND OTHER TAX PROVISIONS

Sec. 100. Reference.

TITLE I—EXTENSION AND MODIFICATION OF CERTAIN PROVISIONS

Sec. 101. Deduction for qualified tuition and related expenses.
Sec. 102. Extension and modification of new markets tax credit.
Sec. 103. Election to deduct State and local general sales taxes.
Sec. 104. Extension and modification of research credit.
Sec. 105. Work opportunity tax credit and welfare-to-work credit.
Sec. 106. Election to include combat pay as earned income for purposes of earned income credit.
Sec. 107. Extension and modification of qualified zone academy bonds.
Sec. 108. Above-the-line deduction for certain expenses of elementary and secondary school teachers.
Sec. 109. Extension and expansion of expensing of brownfields remediation costs.
Sec. 110. Tax incentives for investment in the District of Columbia.
Sec. 111. Indian employment tax credit.
Sec. 112. Accelerated depreciation for business property on Indian reservations.
Sec. 113. Fifteen-year straight-line cost recovery for qualified leasehold improvements and qualified restaurant property.
Sec. 114. Cover over of tax on distilled spirits.
Sec. 115. Parity in application of certain limits to mental health benefits.
Sec. 116. Corporate donations of scientific property used for research and of computer technology and equipment.
Sec. 117. Availability of medical savings accounts.
Sec. 118. Taxable income limit on percentage depletion for oil and natural gas produced from marginal properties.
Sec. 119. American Samoa economic development credit.
Sec. 120. Extension of bonus depreciation for certain qualified Gulf Opportunity Zone property.
Sec. 121. Authority for undercover operations.
Sec. 122. Disclosures of certain tax return information.
Sec. 123. Special rule for elections under expired provisions.

TITLE II—ENERGY TAX PROVISIONS

Sec. 201. Credit for electricity produced from certain renewable resources.
Sec. 202. Credit to holders of clean renewable energy bonds.
Sec. 203. Performance standards for sulfur dioxide removal in advanced coal-based generation technology units designed to use subbituminous coal.
Sec. 204. Deduction for energy efficient commercial buildings.
Sec. 205. Credit for new energy efficient homes.
Sec. 206. Credit for residential energy efficient property.
Sec. 207. Energy credit.
Sec. 208. Special rule for qualified methanol or ethanol fuel.
Sec. 209. Special depreciation allowance for cellulosic biomass ethanol plant property.
Sec. 210. Expenditures permitted from the Leaking Underground Storage Tank Trust Fund.
Sec. 211. Treatment of coke and coke gas.

TITLE III—HEALTH SAVINGS ACCOUNTS

Sec. 301. Short title.
Sec. 302. FSA and HRA terminations to fund HSAs.
Sec. 303. Repeal of annual deductible limitation on HSA contributions.
Sec. 304. Modification of cost-of-living adjustment.
Sec. 305. Contribution limitation not reduced for part-year coverage.
Sec. 306. Exception to requirement for employers to make comparable health savings account contributions.
Sec. 307. One-time distribution from individual retirement plans to fund HSAs.

TITLE IV—OTHER PROVISIONS

Sec. 401. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
Sec. 402. Credit for prior year minimum tax liability made refundable after period of years.
Sec. 403. Returns required in connection with certain options.
Sec. 404. Partial expensing for advanced mine safety equipment.

Sec. 405. Mine rescue team training tax credit.
Sec. 406. Whistleblower reforms.
Sec. 407. Frivolous tax submissions.
Sec. 408. Addition of meningococcal and human papillomavirus vaccines to list of taxable vaccines.
Sec. 409. Clarification of taxation of certain settlement funds made permanent.
Sec. 410. Modification of active business definition under section 355 made permanent.
Sec. 411. Revision of State veterans limit made permanent.
Sec. 412. Capital gains treatment for certain self-created musical works made permanent.
Sec. 413. Reduction in minimum vessel tonnage which qualifies for tonnage tax made permanent.
Sec. 414. Modification of special arbitrage rule for certain funds made permanent.
Sec. 415. Great Lakes domestic shipping to not disqualify vessel from tonnage tax.
Sec. 416. Use of qualified mortgage bonds to finance residences for veterans without regard to first-time homebuyer requirement.
Sec. 417. Exclusion of gain from sale of a principal residence by certain employees of the intelligence community.
Sec. 418. Sale of property by judicial officers.
Sec. 419. Premiums for mortgage insurance.
Sec. 420. Modification of refunds for kerosene used in aviation.
Sec. 421. Regional income tax agencies treated as States for purposes of confidentiality and disclosure requirements.
Sec. 422. Designation of wines by semi-generic names.
Sec. 423. Modification of railroad track maintenance credit.
Sec. 424. Modification of excise tax on unrelated business taxable income of charitable remainder trusts.
Sec. 425. Loans to qualified continuing care facilities made permanent.
Sec. 426. Technical corrections.

DIVISION B—MEDICARE AND OTHER HEALTH PROVISIONS

Sec. 1. Short title of division.

TITLE I—MEDICARE IMPROVED QUALITY AND PROVIDER PAYMENTS

Sec. 101. Physician payment and quality improvement.
Sec. 102. Extension of floor on Medicare work geographic adjustment.
Sec. 103. Update to the composite rate component of the basic case-mix adjusted prospective payment system for dialysis services.
Sec. 104. Extension of treatment of certain physician pathology services under Medicare.
Sec. 105. Extension of Medicare reasonable costs payments for certain clinical diagnostic laboratory tests furnished to hospital patients in certain rural areas.
Sec. 106. Hospital Medicare reports and clarifications.
Sec. 107. Payment for brachytherapy.
Sec. 108. Payment process under the competitive acquisition program (CAP).
Sec. 109. Quality reporting for hospital outpatient services and ambulatory surgical center services.
Sec. 110. Reporting of anemia quality indicators for Medicare part B cancer anti-anemia drugs.
Sec. 111. Clarification of hospice satellite designation.

TITLE II—MEDICARE BENEFICIARY PROTECTIONS

Sec. 201. Extension of exceptions process for Medicare therapy caps.
Sec. 202. Payment for administration of part D vaccines.
Sec. 203. OIG study of never events.
Sec. 204. Medicare medical home demonstration project.
Sec. 205. Medicare DRA technical corrections.
Sec. 206. Limited continuous open enrollment of original medicare fee-for-service enrollees into Medicare Advantage non-prescription drug plans.

TITLE III—MEDICARE PROGRAM INTEGRITY EFFORTS

Sec. 301. Offsetting adjustment in Medicare Advantage Stabilization Fund.
Sec. 302. Extension and expansion of recovery audit contractor program under the Medicare Integrity Program.
Sec. 303. Funding for the Health Care Fraud and Abuse Control Account.
Sec. 304. Implementation funding.

TITLE IV—MEDICAID AND OTHER HEALTH PROVISIONS

Sec. 401. Extension of Transitional Medical Assistance (TMA) and abstinence education program.
Sec. 402. Grants for research on vaccine against Valley Fever.
Sec. 403. Change in threshold for Medicaid indirect hold harmless provision of broad-based health care taxes.
Sec. 404. DSH allotments for fiscal year 2007 for Tennessee and Hawaii.
Sec. 405. Certain Medicaid DRA technical corrections.

DIVISION C—OTHER PROVISIONS

TITLE I—GULF OF MEXICO ENERGY SECURITY

Sec. 101. Short title.
Sec. 102. Definitions.
Sec. 103. Offshore oil and gas leasing in 181 Area and 181 south Area of Gulf of Mexico.
Sec. 104. Moratorium on oil and gas leasing in certain areas of Gulf of Mexico.
Sec. 105. Disposition of qualified outer Continental Shelf revenues from 181 Area, 181 south Area, and 2002–2007 planning areas of Gulf of Mexico.

TITLE II—SURFACE MINING CONTROL AND RECLAMATION ACT AMENDMENTS OF 2006

Sec. 200. Short title.

Subtitle A—Mining Control and Reclamation

Sec. 201. Abandoned Mine Reclamation Fund and purposes.
Sec. 202. Reclamation fee.
Sec. 203. Objectives of Fund.
Sec. 204. Reclamation of rural land.
Sec. 205. Liens.
Sec. 206. Certification.
Sec. 207. Remining incentives.
Sec. 208. Extension of limitation on application of prohibition on issuance of permit.
Sec. 209. Tribal regulation of surface coal mining and reclamation operations.

Subtitle B—Coal Industry Retiree Health Benefit Act

Sec. 211. Certain related persons and successors in interest relieved of liability if premiums prepaid.
Sec. 212. Transfers to funds; premium relief.
Sec. 213. Other provisions.

TITLE III—WHITE PINE COUNTY CONSERVATION, RECREATION, AND DEVELOPMENT

Sec. 301. Authorization of appropriations.
Sec. 302. Short title.
Sec. 303. Definitions.

Subtitle A—Land Disposal

Sec. 311. Conveyance of White Pine County, Nevada, land.
Sec. 312. Disposition of proceeds.

Subtitle B—Wilderness Areas

Sec. 321. Short title.
Sec. 322. Findings.
Sec. 323. Additions to National Wilderness Preservation System.
Sec. 324. Administration.
Sec. 325. Adjacent management.
Sec. 326. Military overflights.
Sec. 327. Native American cultural and religious uses.
Sec. 328. Release of wilderness study areas.
Sec. 329. Wildlife management.
Sec. 330. Wildfire, insect, and disease management.
Sec. 331. Climatological data collection.

Subtitle C—Transfers of Administrative Jurisdiction

Sec. 341. Transfer to the United States Fish and Wildlife Service.
Sec. 342. Transfer to the Bureau of Land Management.
Sec. 343. Transfer to the Forest Service.
Sec. 344. Availability of map and legal descriptions.

Subtitle D—Public Conveyances

Sec. 351. Conveyance to the State of Nevada.
Sec. 352. Conveyance to White Pine County, Nevada.

Subtitle E—Silver State Off-Highway Vehicle Trail

Sec. 355. Silver State off-highway vehicle trail.

Subtitle F—Transfer of Land to Be Held in Trust for the Ely Shoshone Tribe.

Sec. 361. Transfer of land to be held in trust for the Ely Shoshone Tribe.

Subtitle G—Eastern Nevada Landscape Restoration Project.

Sec. 371. Findings; purposes.
Sec. 372. Definitions.
Sec. 373. Restoration project.

Subtitle H—Amendments to the Southern Nevada Public Land Management Act of 1998

Sec. 381. Findings.
Sec. 382. Availability of special account.

Subtitle I—Amendments to the Lincoln County Conservation, Recreation, and Development Act of 2004

Sec. 391. Disposition of proceeds.

Subtitle J—All American Canal Projects

Sec. 395. All American Canal Lining Project.
Sec. 396. Regulated storage water facility.
Sec. 397. Application of law.

TITLE IV—OTHER PROVISIONS

Sec. 401. Tobacco personal use quantity exception to not apply to delivery sales.
Sec. 402. Ethanol Tariff Schedule.
Sec. 403. Withdrawal of certain Federal land and interests in certain Federal land from location, entry, and patent under the mining laws and disposition under the mineral and geothermal leasing laws.
Sec. 404. Continuing eligibility for certain students under District of Columbia School Choice Program.
Sec. 405. Study on Establishing Uniform National Database on Elder Abuse.

Sec. 406. Temporary duty reductions for certain cotton shirting fabric.
Sec. 407. Cotton Trust Fund.
Sec. 408. Tax court review of requests for equitable relief from joint and several liability.

DIVISION A—EXTENSION AND EXPANSION OF CERTAIN TAX RELIEF PROVISIONS, AND OTHER TAX PROVISIONS

SEC. 100. REFERENCE.

Except as otherwise expressly provided, whenever in this division an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—EXTENSION AND MODIFICATION OF CERTAIN PROVISIONS

SEC. 101. DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Section 222(e) is amended by striking ''2005''and inserting ''2007''.

(b) CONFORMING AMENDMENTS.—Section 222(b)(2)(B) is amended—

(1) by striking ''a taxable year beginning in 2004 or 2005'' and inserting ''any taxable year beginning after 2003'', and

(2) by striking ''2004 AND 2005'' in the heading and inserting ''AFTER 2003''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 102. EXTENSION AND MODIFICATION OF NEW MARKETS TAX CREDIT.

(a) EXTENSION.—Section 45D(f)(1)(D) is amended by striking ''and 2007'' and inserting '', 2007, and 2008''.

(b) REGULATIONS REGARDING NON-METROPOLITAN COUNTIES.—Section 45D(i) is amended by striking ''and'' at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting '', and'', and by adding at the end the following new paragraph:

''(6) which ensure that non-metropolitan counties receive a proportional allocation of qualified equity investments.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 103. ELECTION TO DEDUCT STATE AND LOCAL GENERAL SALES TAXES.

(a) IN GENERAL.—Section 164(b)(5)(I) is amended by striking ''2006'' and inserting ''2008''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 104. EXTENSION AND MODIFICATION OF RESEARCH CREDIT.

(a) EXTENSION.—

(1) IN GENERAL.—Section 41(h)(1)(B) is amended by striking ''2005'' and inserting ''2007''.

(2) CONFORMING AMENDMENT.—Section 45C(b)(1)(D) is amended by striking ''2005'' and inserting ''2007''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid or incurred after December 31, 2005.

(b) INCREASE IN RATES OF ALTERNATIVE INCREMENTAL CREDIT.—

(1) IN GENERAL.—Subparagraph (A) of section 41(c)(4) (relating to election of alternative incremental credit) is amended—

(A) by striking ''2.65 percent'' and inserting ''3 percent'',

(B) by striking ''3.2 percent'' and inserting ''4 percent'', and

(C) by striking ''3.75 percent'' and inserting ''5 percent''.

(2) EFFECTIVE DATE.—Except as provided in paragraph (3), the amendments made by this subsection shall apply to taxable years ending after December 31, 2006.

(3) TRANSITION RULE.—

(A) IN GENERAL.—In the case of a specified transitional taxable year for which an election under section 41(c)(4) of the Internal Revenue Code of 1986 applies, the credit determined under section 41(a)(1) of such Code shall be equal to the sum of—

(i) the applicable 2006 percentage multiplied by the amount determined under section 41(c)(4)(A) of such Code (as in effect for taxable years ending on December 31, 2006), plus

(ii) the applicable 2007 percentage multiplied by the amount determined under section 41(c)(4)(A) of such Code (as in effect for taxable years ending on January 1, 2007).

(B) DEFINITIONS.—For purposes of subparagraph (A)—

(i) SPECIFIED TRANSITIONAL TAXABLE YEAR.—The term ''specified transitional taxable year'' means any taxable year which ends after December 31, 2006, and which includes such date.

(ii) APPLICABLE 2006 PERCENTAGE.—The term ''applicable 2006 percentage'' means the number of days in the specified transitional taxable year before January 1, 2007, divided by the number of days in such taxable year.

(iii) APPLICABLE 2007 PERCENTAGE.—The term ''applicable 2007 percentage'' means the number of days in the specified transitional taxable year after December 31, 2006, divided by the number of days in such taxable year.

(c) ALTERNATIVE SIMPLIFIED CREDIT FOR QUALIFIED RESEARCH EXPENSES.—

(1) IN GENERAL.—Subsection (c) of section 41 (relating to base amount) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

''(5) ELECTION OF ALTERNATIVE SIMPLIFIED CREDIT.—

''(A) IN GENERAL.—At the election of the taxpayer, the credit determined under subsection (a)(1) shall be equal to 12 percent of so much of the qualified research expenses for the taxable year as exceeds 50 percent of the average qualified research expenses for the 3 taxable years preceding the taxable year for which the credit is being determined.

''(B) SPECIAL RULE IN CASE OF NO QUALIFIED RESEARCH EXPENSES IN ANY OF 3 PRECEDING TAXABLE YEARS.—

''(i) TAXPAYERS TO WHICH SUBPARAGRAPH APPLIES.—The credit under this paragraph shall be determined under this subparagraph if the taxpayer has no qualified research expenses in any one of the 3 taxable years preceding the taxable year for which the credit is being determined.

''(ii) CREDIT RATE.—The credit determined under this subparagraph shall be equal to 6 percent of the qualified research expenses for the taxable year.

''(C) ELECTION.—An election under this paragraph shall apply to the taxable year for which made and all succeeding taxable years unless revoked with the consent of the Secretary. An election under this paragraph may not be made for any taxable year to which an election under paragraph (4) applies.''.

(2) TRANSITION RULE FOR DEEMED REVOCATION OF ELECTION OF ALTERNATIVE INCREMENTAL CREDIT.—In the case of an election under section 41(c)(4) of the Internal Revenue Code of 1986 which applies to the taxable year which includes January 1, 2007, such election shall be treated as revoked with the consent of the Secretary of the Treasury if the taxpayer makes an election under section 41(c)(5) of such Code (as added by this subsection) for such year.

(3) EFFECTIVE DATE.—Except as provided in paragraph (4), the amendments made by this subsection shall apply to taxable years ending after December 31, 2006.

(4) TRANSITION RULE FOR NONCALENDAR TAXABLE YEARS.—

(A) IN GENERAL.—In the case of a specified transitional taxable year for which an election under section 41(c)(5) of the Internal Revenue Code of 1986 (as added by this subsection) applies, the credit determined under section 41(a)(1) of such Code shall be equal to the sum of—

(i) the applicable 2006 percentage multiplied by the amount determined under section 41(a)(1) of such Code (as in effect for taxable years ending on December 31, 2006), plus

(ii) the applicable 2007 percentage multiplied by the amount determined under section 41(c)(5) of such Code (as in effect for taxable years ending on January 1, 2007).

(B) DEFINITIONS AND SPECIAL RULES.—For purposes of subparagraph (A)—

(i) DEFINITIONS.—Terms used in this paragraph which are also used in subsection (b)(3) shall have the respective meanings given such terms in such subsection.

(ii) DUAL ELECTIONS PERMITTED.—Elections under paragraphs (4) and (5) of section 41(c) of such Code may both apply for the specified transitional taxable year.

(iii) DEFERRAL OF DEEMED ELECTION REVOCATION.—Any election under section 41(c)(4) of the Internal Revenue Code of 1986 treated as revoked under paragraph (2) shall be treated as revoked for the taxable year after the specified transitional taxable year.

SEC. 105. WORK OPPORTUNITY TAX CREDIT AND WELFARE-TO-WORK CREDIT.

(a) IN GENERAL.—Sections 51(c)(4)(B) and 51A(f) are each amended by striking ''2005'' and inserting ''2007''.

(b) ELIGIBILITY OF EX-FELONS DETERMINED WITHOUT REGARD TO FAMILY INCOME.—Paragraph (4) of section 51(d) is amended by adding ''and'' at the end of subparagraph (A), by striking '', and'' at the end of subparagraph (B) and inserting a period, and by striking all that follows subparagraph (B).

(c) INCREASE IN MAXIMUM AGE FOR ELIGIBILITY OF FOOD STAMP RECIPIENTS.—Clause (i) of section 51(d)(8)(A) is amended by striking ''25'' and inserting ''40''.

(d) EXTENSION OF PAPERWORK FILING DEADLINE.—Section 51(d)(12)(A)(ii)(II) is amended by striking ''21st day'' and inserting ''28th day''.

(e) CONSOLIDATION OF WORK OPPORTUNITY CREDIT WITH WELFARE-TO-WORK CREDIT.—

(1) IN GENERAL.—Paragraph (1) of section 51(d) is amended by striking ''or'' at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting '', or'', and by adding at the end the following new subparagraph:

''(I) a long-term family assistance recipient.''.

(2) LONG-TERM FAMILY ASSISTANCE RECIPIENT.—Subsection (d) of section 51 is amended by redesignating paragraphs (10) through (12) as paragraphs (11) through (13), respectively, and by inserting after paragraph (9) the following new paragraph:

''(10) LONG-TERM FAMILY ASSISTANCE RECIPIENT.—The term 'long-term family assistance recipient' means any individual who is certified by the designated local agency—

''(A) as being a member of a family receiving assistance under a IV–A program (as defined in paragraph (2)(B)) for at least the 18-month period ending on the hiring date,

''(B)(i) as being a member of a family receiving such assistance for 18 months beginning after August 5, 1997, and

''(ii) as having a hiring date which is not more than 2 years after the end of the earliest such 18-month period, or

''(C)(i) as being a member of a family which ceased to be eligible for such assistance by reason of any limitation imposed by

Federal or State law on the maximum period such assistance is payable to a family, and

''(ii) as having a hiring date which is not more than 2 years after the date of such cessation.''.

(3) INCREASED CREDIT FOR EMPLOYMENT OF LONG-TERM FAMILY ASSISTANCE RECIPIENTS.—Section 51 is amended by inserting after subsection (d) the following new subsection:

''(e) CREDIT FOR SECOND-YEAR WAGES FOR EMPLOYMENT OF LONG-TERM FAMILY ASSISTANCE RECIPIENTS.—

''(1) IN GENERAL.—With respect to the employment of a long-term family assistance recipient—

''(A) the amount of the work opportunity credit determined under this section for the taxable year shall include 50 percent of the qualified second-year wages for such year, and

''(B) in lieu of applying subsection (b)(3), the amount of the qualified first-year wages, and the amount of qualified second-year wages, which may be taken into account with respect to such a recipient shall not exceed $10,000 per year.

''(2) QUALIFIED SECOND-YEAR WAGES.—For purposes of this subsection, the term 'qualified second-year wages' means qualified wages—

''(A) which are paid to a long-term family assistance recipient, and

''(B) which are attributable to service rendered during the 1-year period beginning on the day after the last day of the 1-year period with respect to such recipient determined under subsection (b)(2).

''(3) SPECIAL RULES FOR AGRICULTURAL AND RAILWAY LABOR.—If such recipient is an employee to whom subparagraph (A) or (B) of subsection (h)(1) applies, rules similar to the rules of such subparagraphs shall apply except that—

''(A) such subparagraph (A) shall be applied by substituting '$10,000' for '$6,000', and

''(B) such subparagraph (B) shall be applied by substituting '$833.33' for '$500'.''.

(4) REPEAL OF SEPARATE WELFARE-TO-WORK CREDIT.—

(A) IN GENERAL.—Section 51A is hereby repealed.

(B) CLERICAL AMENDMENT.—The table of sections for subpart F of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 51A.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to individuals who begin work for the employer after December 31, 2005.

(2) CONSOLIDATION.—The amendments made by subsections (b), (c), (d), and (e) shall apply to individuals who begin work for the employer after December 31, 2006.

SEC. 106. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF EARNED INCOME CREDIT.

(a) IN GENERAL.—Section 32(c)(2)(B)(vi)(II) is amended by striking ''2007'' and inserting ''2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 107. EXTENSION AND MODIFICATION OF QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Paragraph (1) of section 1397E(e) is amended by striking ''and 2005'' and inserting ''2005, 2006, and 2007''.

(b) SPECIAL RULES RELATING TO EXPENDITURES, ARBITRAGE, AND REPORTING.—

(1) IN GENERAL.—Section 1397E is amended—

(A) in subsection (d)(1), by striking ''and'' at the end of subparagraph (C)(iii), by striking the period at the end of subparagraph (D) and inserting '', and'', and by adding at the end the following new subparagraph:

''(E) the issue meets the requirements of subsections (f), (g), and (h).'', and

(B) by redesignating subsections (f), (g), (h), and (i) as subsection (i), (j), (k), and (l), respectively, and by inserting after subsection (e) the following new subsections:

''(f) SPECIAL RULES RELATING TO EXPENDITURES.—

''(1) IN GENERAL.—An issue shall be treated as meeting the requirements of this subsection if, as of the date of issuance, the issuer reasonably expects—

''(A) at least 95 percent of the proceeds from the sale of the issue are to be spent for 1 or more qualified purposes with respect to qualified zone academies within the 5-year period beginning on the date of issuance of the qualified zone academy bond,

''(B) a binding commitment with a third party to spend at least 10 percent of the proceeds from the sale of the issue will be incurred within the 6-month period beginning on the date of issuance of the qualified zone academy bond, and

''(C) such purposes will be completed with due diligence and the proceeds from the sale of the issue will be spent with due diligence.

''(2) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the period described in paragraph (1)(A), the Secretary may extend such period if the issuer establishes that the failure to satisfy the 5-year requirement is due to reasonable cause and the related purposes will continue to proceed with due diligence.

''(3) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 5 YEARS.—To the extent that less than 95 percent of the proceeds of such issue are expended by the close of the 5-year period beginning on the date of issuance (or if an extension has been obtained under paragraph (2), by the close of the extended period), the issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

''(g) SPECIAL RULES RELATING TO ARBITRAGE.—An issue shall be treated as meeting the requirements of this subsection if the issuer satisfies the arbitrage requirements of section 148 with respect to proceeds of the issue.

''(h) REPORTING.—Issuers of qualified academy zone bonds shall submit reports similar to the reports required under section 149(e).''.

(2) CONFORMING AMENDMENTS.—Sections 54(l)(3)(B) and 1400N(l)(7)(B)(ii) are each amended by striking ''section 1397E(i)'' and inserting ''section 1397E(l)''.

(c) EFFECTIVE DATES.—

(1) EXTENSION.—The amendment made by subsection (a) shall apply to obligations issued after December 31, 2005.

(2) SPECIAL RULES.—The amendments made by subsection (b) shall apply to obligations issued after the date of the enactment of this Act pursuant to allocations of the national zone academy bond limitation for calendar years after 2005.

SEC. 108. ABOVE-THE-LINE DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) is amended by striking ''or 2005'' and inserting ''2005, 2006, or 2007''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 109. EXTENSION AND EXPANSION OF EXPENSING OF BROWNFIELDS REMEDIATION COSTS.

(a) EXTENSION.—Subsection (h) of section 198 is amended by striking ''2005'' and inserting ''2007''.

(b) EXPANSION.—Section 198(d)(1) (defining hazardous substance) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) any petroleum product (as defined in section 4612(a)(3)).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures paid or incurred after December 31, 2005.

SEC. 110. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) DESIGNATION OF ZONE.—

(1) IN GENERAL.—Subsection (f) of section 1400 is amended by striking ''2005'' both places it appears and inserting ''2007''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods beginning after December 31, 2005.

(b) TAX-EXEMPT ECONOMIC DEVELOPMENT BONDS.—

(1) IN GENERAL.—Subsection (b) of section 1400A is amended by striking ''2005'' and inserting ''2007''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to bonds issued after December 31, 2005.

(c) ZERO PERCENT CAPITAL GAINS RATE.—

(1) IN GENERAL.—Subsection (b) of section 1400B is amended by striking ''2006'' each place it appears and inserting ''2008''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1400B(e)(2) is amended—

(i) by striking ''2010'' and inserting ''2012'', and

(ii) by striking ''2010'' in the heading thereof and inserting ''2012''.

(B) Section 1400B(g)(2) is amended by striking ''2010'' and inserting ''2012''.

(C) Section 1400F(d) is amended by striking ''2010'' and inserting ''2012''.

(3) EFFECTIVE DATES.—

(A) EXTENSION.—The amendments made by paragraph (1) shall apply to acquisitions after December 31, 2005.

(B) CONFORMING AMENDMENTS.—The amendments made by paragraph (2) shall take effect on the date of the enactment of this Act.

(d) FIRST-TIME HOMEBUYER CREDIT.—

(1) IN GENERAL.—Subsection (i) of section 1400C is amended by striking ''2006'' and inserting ''2008''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property purchased after December 31, 2005.

SEC. 111. INDIAN EMPLOYMENT TAX CREDIT.

(a) IN GENERAL.—Section 45A(f) is amended by striking ''2005'' and inserting ''2007''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 112. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATIONS.

(a) IN GENERAL.—Section 168(j)(8) is amended by striking ''2005'' and inserting ''2007''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2005.

SEC. 113. FIFTEEN-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT PROPERTY.

(a) IN GENERAL.—Clauses (iv) and (v) of section 168(e)(3)(E) are each amended by striking ''2006'' and inserting ''2008''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to property placed in service after December 31, 2005.

SEC. 114. COVER OVER OF TAX ON DISTILLED SPIRITS.

(a) IN GENERAL.—Section 7652(f)(1) is amended by striking ''2006'' and inserting ''2008''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to articles brought into the United States after December 31, 2005.

SEC. 115. PARITY IN APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986.—Section 9812(f)(3) is amended by striking ''2006'' and inserting ''2007''.

(b) AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 712(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a(f)) is amended by striking ''2006'' and inserting ''2007''.

(c) AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.—Section 2705(f) of the Public Health Service Act (42 U.S.C. 300gg–5(f)) is amended by striking ''2006''and inserting ''2007''.

SEC. 116. CORPORATE DONATIONS OF SCIENTIFIC PROPERTY USED FOR RESEARCH AND OF COMPUTER TECHNOLOGY AND EQUIPMENT.

(a) EXTENSION OF COMPUTER TECHNOLOGY AND EQUIPMENT DONATION.—

(1) IN GENERAL.—Section 170(e)(6)(G) is amended by striking ''2005'' and inserting ''2007''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to contributions made in taxable years beginning after December 31, 2005.

(b) EXPANSION OF CHARITABLE CONTRIBUTION ALLOWED FOR SCIENTIFIC PROPERTY USED FOR RESEARCH AND FOR COMPUTER TECHNOLOGY AND EQUIPMENT USED FOR EDUCATIONAL PURPOSES.—

(1) SCIENTIFIC PROPERTY USED FOR RESEARCH.—

(A) IN GENERAL.—Clause (ii) of section 170(e)(4)(B) (defining qualified research contributions) is amended by inserting ''or assembled'' after ''constructed''.

(B) CONFORMING AMENDMENT.—Clause (iii) of section 170(e)(4)(B) is amended by inserting ''or assembly'' after ''construction''.

(2) COMPUTER TECHNOLOGY AND EQUIPMENT FOR EDUCATIONAL PURPOSES.—

(A) IN GENERAL.—Clause (ii) of section 170(e)(6)(B) is amended by inserting ''or assembled'' after ''constructed'' and ''or assembling'' after ''construction''.

(B) CONFORMING AMENDMENT.—Subparagraph (D) of section 170(e)(6) is amended by inserting ''or assembled'' after ''constructed'' and ''or assembly'' after ''construction''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2005.

SEC. 117. AVAILABILITY OF MEDICAL SAVINGS ACCOUNTS.

(a) IN GENERAL.—Paragraphs (2) and (3)(B) of section 220(i) are each amended by striking ''2005'' each place it appears in the text and headings and inserting ''2007''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 220(j) is amended—

(A) in the text by striking ''or 2004'' each place it appears and inserting ''2004, 2005, or 2006'', and

(B) in the heading by striking ''OR 2004'' and inserting ''2004, 2005, OR 2006'' .

(2) Subparagraph (A) of section 220(j)(4) is amended by striking ''and 2004'' and inserting ''2004, 2005, and 2006''.

(c) TIME FOR FILING REPORTS, ETC.—

(1) The report required by section 220(j)(4) of the Internal Revenue Code of 1986 to be made on August 1, 2005, or August 1, 2006, as the case may be, shall be treated as timely if made before the close of the 90-day period beginning on the date of the enactment of this Act.

(2) The determination and publication required by section 220(j)(5) of such Code with respect to calendar year 2005 or calendar year 2006, as the case may be, shall be treated as timely if made before the close of the 120-day period beginning on the date of the enactment of this Act. If the determination under the preceding sentence is that 2005 or 2006 is a cut-off year under section 220(i) of such Code, the cut-off date under such section 220(i) shall be the last day of such 120-day period.

SEC. 118. TAXABLE INCOME LIMIT ON PERCENTAGE DEPLETION FOR OIL AND NATURAL GAS PRODUCED FROM MARGINAL PROPERTIES.

(a) IN GENERAL.—Section 613A(c)(6)(H) is amended by striking ''2006'' and inserting ''2008''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2005.

SEC. 119. AMERICAN SAMOA ECONOMIC DEVELOPMENT CREDIT.

(a) IN GENERAL.—For purposes of section 30A of the Internal Revenue Code of 1986, a domestic corporation shall be treated as a qualified domestic corporation to which such section applies if such corporation—

(1) is an existing credit claimant with respect to American Samoa, and

(2) elected the application of section 936 of the Internal Revenue Code of 1986 for its last taxable year beginning before January 1, 2006.

(b) SPECIAL RULES FOR APPLICATION OF SECTION.—The following rules shall apply in applying section 30A of the Internal Revenue Code of 1986 for purposes of this section:

(1) AMOUNT OF CREDIT.—Notwithstanding section 30A(a)(1) of such Code, the amount of the credit determined under section 30A(a)(1) of such Code for any taxable year shall be the amount determined under section 30A(d) of such Code, except that section 30A(d) shall be applied without regard to paragraph (3) thereof.

(2) SEPARATE APPLICATION.—In applying section 30A(a)(3) of such Code in the case of a corporation treated as a qualified domestic corporation by reason of this section, section 30A of such Code (and so much of section 936 of such Code as relates to such section 30A) shall be applied separately with respect to American Samoa.

(3) FOREIGN TAX CREDIT ALLOWED.—Notwithstanding section 30A(e) of such Code, the provisions of section 936(c) of such Code shall not apply with respect to the credit allowed by reason of this section.

(c) DEFINITIONS.—For purposes of this section, any term which is used in this section which is also used in section 30A or 936 of such Code shall have the same meaning given such term by such section 30A or 936.

(d) APPLICATION OF SECTION.—Notwithstanding section 30A(h) or section 936(j) of such Code, this section (and so much of section 30A and section 936 of such Code as relates to this section) shall apply to the first two taxable years of a corporation to which subsection (a) applies which begin after December 31, 2005, and before January 1, 2008.

SEC. 120. EXTENSION OF BONUS DEPRECIATION FOR CERTAIN QUALIFIED GULF OPPORTUNITY ZONE PROPERTY.

(a) IN GENERAL.—Subsection (d) of section 1400N is amended by adding at the end the following new paragraph:

''(6) EXTENSION FOR CERTAIN PROPERTY.—

''(A) IN GENERAL.—In the case of any specified Gulf Opportunity Zone extension property, paragraph (2)(A) shall be applied without regard to clause (v) thereof.

''(B) SPECIFIED GULF OPPORTUNITY ZONE EXTENSION PROPERTY.—For purposes of this paragraph, the term 'specified Gulf Opportunity Zone extension property' means property—

''(i) substantially all of the use of which is in one or more specified portions of the GO Zone, and

''(ii) which is—

''(I) nonresidential real property or residential rental property which is placed in service by the taxpayer on or before December 31, 2010, or

''(II) in the case of a taxpayer who places a building described in subclause (I) in service on or before December 31, 2010, property described in section 168(k)(2)(A)(i) if substantially all of the use of such property is in such building and such property is placed in service by the taxpayer not later than 90 days after such building is placed in service.

''(C) SPECIFIED PORTIONS OF THE GO ZONE.—For purposes of this paragraph, the term 'specified portions of the GO Zone' means those portions of the GO Zone which are in any county or parish which is identified by the Secretary as being a county or parish in which hurricanes occurring during 2005 damaged (in the aggregate) more than 60 percent of the housing units in such county or parish which were occupied (determined according to the 2000 Census).

''(D) ONLY PRE-JANUARY 1, 2010, BASIS OF REAL PROPERTY ELIGIBLE FOR ADDITIONAL ALLOWANCE.—In the case of property which is qualified Gulf Opportunity Zone property solely by reason of subparagraph (B)(ii)(I), paragraph (1) shall apply only to the extent of the adjusted basis thereof attributable to manufacture, construction, or production before January 1, 2010.''.

(b) EXTENSION NOT APPLICABLE TO INCREASED SECTION 179 EXPENSING.—Paragraph (2) of section 1400N(e) is amended by inserting ''without regard to subsection (d)(6)'' after ''subsection (d)(2)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 101 of the Gulf Opportunity Zone Act of 2005.

SEC. 121. AUTHORITY FOR UNDERCOVER OPERATIONS.

Paragraph (6) of section 7608(c) (relating to application of section) is amended by striking ''2007'' both places it appears and inserting ''2008''.

SEC. 122. DISCLOSURES OF CERTAIN TAX RETURN INFORMATION.

(a) DISCLOSURES TO FACILITATE COMBINED EMPLOYMENT TAX REPORTING.—

(1) IN GENERAL.—Subparagraph (B) of section 6103(d)(5) (relating to termination) is amended by striking ''2006'' and inserting ''2007''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to disclosures after December 31, 2006.

(b) DISCLOSURES RELATING TO TERRORIST ACTIVITIES.—

(1) IN GENERAL.—Clause (iv) of section 6103(i)(3)(C) and subparagraph (E) of section 6103(i)(7) are each amended by striking ''2006'' and inserting ''2007''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to disclosures after December 31, 2006.

(c) DISCLOSURES RELATING TO STUDENT LOANS.—

(1) IN GENERAL.—Subparagraph (D) of section 6103(l)(13) (relating to termination) is amended by striking ''2006'' and inserting ''2007''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to requests made after December 31, 2006.

SEC. 123. SPECIAL RULE FOR ELECTIONS UNDER EXPIRED PROVISIONS.

(a) RESEARCH CREDIT ELECTIONS.—In the case of any taxable year ending after December 31, 2005, and before the date of the enactment of this Act, any election under section 41(c)(4) or section 280C(c)(3)(C) of the Internal Revenue Code of 1986 shall be treated as

having been timely made for such taxable year if such election is made not later than the later of April 15, 2007, or such time as the Secretary of the Treasury, or his designee, may specify. Such election shall be made in the manner prescribed by such Secretary or designee.

(b) OTHER ELECTIONS.—Except as otherwise provided by such Secretary or designee, a rule similar to the rule of subsection (a) shall apply with respect to elections under any other expired provision of the Internal Revenue Code of 1986 the applicability of which is extended by reason of the amendments made by this title.

TITLE II—ENERGY TAX PROVISIONS

SEC. 201. CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

Subsection (d) of section 45 is amended by striking ''January 1, 2008'' each place it appears and inserting ''January 1, 2009''.

SEC. 202. CREDIT TO HOLDERS OF CLEAN RENEWABLE ENERGY BONDS.

(a) IN GENERAL.—Section 54 is amended—

(1) by striking ''$800,000,000'' in subsection (f)(1) and inserting ''$1,200,000,000'',

(2) by striking ''$500,000,000'' in subsection (f)(2) and inserting ''$750,000,000'', and

(3) by striking ''December 31, 2007'' in subsection (m) and inserting ''December 31, 2008''.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by paragraphs (1) and (3) of subsection (a) shall apply to bonds issued after December 31, 2006.

(2) ALLOCATIONS.—The amendment made by subsection (a)(2) shall apply to allocations or reallocations after December 31, 2006.

SEC. 203. PERFORMANCE STANDARDS FOR SULFUR DIOXIDE REMOVAL IN ADVANCED COAL-BASED GENERATION TECHNOLOGY UNITS DESIGNED TO USE SUBBITUMINOUS COAL.

(a) IN GENERAL.—Paragraph (1) of section 48A(f) (relating to advanced coal-based generation technology) is amended by adding at the end the following new flush sentence:

''For purposes of the performance requirement specified for the removal of SO_2 in the table contained in subparagraph (B), the SO_2 removal design level in the case of a unit designed for the use of feedstock substantially all of which is subbituminous coal shall be 99 percent SO_2 removal or the achievement of an emission level of 0.04 pounds or less of SO_2 per million Btu, determined on a 30-day average.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take apply with respect to applications for certification under section 48A(d)(2) of the Internal Revenue Code of 1986 submitted after October 2, 2006.

SEC. 204. DEDUCTION FOR ENERGY EFFICIENT COMMERCIAL BUILDINGS.

Subsection (h) of section 179D is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

SEC. 205. CREDIT FOR NEW ENERGY EFFICIENT HOMES.

Subsection (g) of section 45L is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

SEC. 206. CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

(a) EXTENSION.—Subsection (g) of section 25D is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) CLARIFICATION OF TERM.—

(1) Subsections (a)(1), (b)(1)(A), and (e)(4)(A)(i) of section 25D are each amended by striking ''qualified photovoltaic property expenditures'' and inserting ''qualified solar electric property expenditures''.

(2) Section 25D(d)(2) is amended—

(A) by striking ''qualified photovoltaic property expenditure'' and inserting ''qualified solar electric property expenditure'', and

(B) in the heading by striking ''QUALIFIED PHOTOVOLTAIC PROPERTY EXPENDITURE'' and inserting ''QUALIFIED SOLAR ELECTRIC PROPERTY EXPENDITURE''.

SEC. 207. ENERGY CREDIT.

Section 48 is amended—

(1) by striking ''January 1, 2008'' both places it appears and inserting ''January 1, 2009'', and

(2) by striking ''December 31, 2007'' both places it appears and inserting ''December 31, 2008''.

SEC. 208. SPECIAL RULE FOR QUALIFIED METHANOL OR ETHANOL FUEL.

(a) EXTENSION.—Subparagraph (D) of section 4041(b)(2) is amended by striking ''October 1, 2007'' and inserting ''January 1, 2009''.

(b) APPLICABLE BLENDER RATE.—Section 4041(b)(2)(C)(ii) is amended by striking ''2007'' and inserting ''2008''.

(c) CLERICAL AMENDMENT.—The heading for section 4041(b)(2)(B) is amended to read as follows: ''QUALIFIED METHANOL AND ETHANOL FUEL PRODUCED FROM COAL''.

SEC. 209. SPECIAL DEPRECIATION ALLOWANCE FOR CELLULOSIC BIOMASS ETHANOL PLANT PROPERTY.

(a) IN GENERAL.—Section 168 (relating to accelerated cost recovery system) is amended by adding at the end the following:

''(l) SPECIAL ALLOWANCE FOR CELLULOSIC BIOMASS ETHANOL PLANT PROPERTY.—

''(1) ADDITIONAL ALLOWANCE.—In the case of any qualified cellulosic biomass ethanol plant property—

''(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 50 percent of the adjusted basis of such property, and

''(B) the adjusted basis of such property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

''(2) QUALIFIED CELLULOSIC BIOMASS ETHANOL PLANT PROPERTY.—The term 'qualified cellulosic biomass ethanol plant property' means property of a character subject to the allowance for depreciation—

''(A) which is used in the United States solely to produce cellulosic biomass ethanol,

''(B) the original use of which commences with the taxpayer after the date of the enactment of this subsection,

''(C) which is acquired by the taxpayer by purchase (as defined in section 179(d)) after the date of the enactment of this subsection, but only if no written binding contract for the acquisition was in effect on or before the date of the enactment of this subsection, and

''(D) which is placed in service by the taxpayer before January 1, 2013.

''(3) CELLULOSIC BIOMASS ETHANOL.—For purposes of this subsection, the term 'cellulosic biomass ethanol' means ethanol produced by enzymatic hydrolysis of any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis.

''(4) EXCEPTIONS.—

''(A) ALTERNATIVE DEPRECIATION PROPERTY.—Such term shall not include any property described in section 168(k)(2)(D)(i).

''(B) TAX-EXEMPT BOND-FINANCED PROPERTY.—Such term shall not include any property any portion of which is financed with the proceeds of any obligation the interest on which is exempt from tax under section 103.

''(C) ELECTION OUT.—If a taxpayer makes an election under this subparagraph with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

''(5) SPECIAL RULES.—For purposes of this subsection, rules similar to the rules of subparagraph (E) of section 168(k)(2) shall apply, except that such subparagraph shall be applied—

''(A) by substituting 'the date of the enactment of subsection (l)' for 'September 10, 2001' each place it appears therein,

''(B) by substituting 'January 1, 2013' for 'January 1, 2005' in clause (i) thereof, and

''(C) by substituting 'qualified cellulosic biomass ethanol plant property' for 'qualified property' in clause (iv) thereof.

''(6) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—For purposes of this subsection, rules similar to the rules of section 168(k)(2)(G) shall apply.

''(7) RECAPTURE.—For purposes of this subsection, rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified cellulosic biomass ethanol plant property which ceases to be qualified cellulosic biomass ethanol plant property.

''(8) DENIAL OF DOUBLE BENEFIT.—Paragraph (1) shall not apply to any qualified cellulosic biomass ethanol plant property with respect to which an election has been made under section 179C (relating to election to expense certain refineries).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act in taxable years ending after such date.

SEC. 210. EXPENDITURES PERMITTED FROM THE LEAKING UNDERGROUND STORAGE TANK TRUST FUND.

(a) IN GENERAL.—Subsection (c) of section 9508 is amended—

(1) by striking ''section 9003(h)'' and inserting ''sections 9003(h), 9003(i), 9003(j), 9004(f), 9005(c), 9010, 9011, 9012, and 9013'', and

(2) by striking ''Superfund Amendments and Reauthorization Act of 1986'' and inserting ''Public Law 109–168''.

(b) CONFORMING AMENDMENTS.—Section 9014(2) of the Solid Waste Disposal Act is amended by striking ''Fund, notwithstanding section 9508(c)(1) of the Internal Revenue Code of 1986'' and inserting ''Fund''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 211. TREATMENT OF COKE AND COKE GAS.

(a) NONAPPLICATION OF PHASEOUT.—Section 45K(g)(2) is amended by adding at the end the following new subparagraph:

''(D) NONAPPLICATION OF PHASEOUT.—Subsection (b)(1) shall not apply.''.

(b) CLARIFICATION OF QUALIFYING FACILITY.—Section 45K(g)(1) is amended by inserting ''(other than from petroleum based products)'' after ''coke or coke gas''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 1321 of the Energy Policy Act of 2005.

TITLE III—HEALTH SAVINGS ACCOUNTS

SEC. 301. SHORT TITLE.

This title may be cited as the ''Health Opportunity Patient Empowerment Act of 2006''.

SEC. 302. FSA AND HRA TERMINATIONS TO FUND HSAS.

(a) IN GENERAL.—Section 106 (relating to contributions by employer to accident and health plans) is amended by adding at the end the following new subsection:

''(e) FSA AND HRA TERMINATIONS TO FUND HSAS.—

''(1) IN GENERAL.—A plan shall not fail to be treated as a health flexible spending arrangement or health reimbursement arrangement under this section or section 105

merely because such plan provides for a qualified HSA distribution.

''(2) QUALIFIED HSA DISTRIBUTION.—The term 'qualified HSA distribution' means a distribution from a health flexible spending arrangement or health reimbursement arrangement to the extent that such distribution—

''(A) does not exceed the lesser of the balance in such arrangement on September 21, 2006, or as of the date of such distribution, and

''(B) is contributed by the employer directly to the health savings account of the employee before January 1, 2012.

Such term shall not include more than 1 distribution with respect to any arrangement.

''(3) ADDITIONAL TAX FOR FAILURE TO MAINTAIN HIGH DEDUCTIBLE HEALTH PLAN COVERAGE.—

''(A) IN GENERAL.—If, at any time during the testing period, the employee is not an eligible individual, then the amount of the qualified HSA distribution—

''(i) shall be includible in the gross income of the employee for the taxable year in which occurs the first month in the testing period for which such employee is not an eligible individual, and

''(ii) the tax imposed by this chapter for such taxable year on the employee shall be increased by 10 percent of the amount which is so includible.

''(B) EXCEPTION FOR DISABILITY OR DEATH.—Clauses (i) and (ii) of subparagraph (A) shall not apply if the employee ceases to be an eligible individual by reason of the death of the employee or the employee becoming disabled (within the meaning of section 72(m)(7)).

''(4) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) TESTING PERIOD.—The term 'testing period' means the period beginning with the month in which the qualified HSA distribution is contributed to the health savings account and ending on the last day of the 12th month following such month.

''(B) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' has the meaning given such term by section 223(c)(1).

''(C) TREATMENT AS ROLLOVER CONTRIBUTION.—A qualified HSA distribution shall be treated as a rollover contribution described in section 223(f)(5).

''(5) TAX TREATMENT RELATING TO DISTRIBUTIONS.—For purposes of this title—

''(A) IN GENERAL.—A qualified HSA distribution shall be treated as a payment described in subsection (d).

''(B) COMPARABILITY EXCISE TAX.—

''(i) IN GENERAL.—Except as provided in clause (ii), section 4980G shall not apply to qualified HSA distributions.

''(ii) FAILURE TO OFFER TO ALL EMPLOYEES.—In the case of a qualified HSA distribution to any employee, the failure to offer such distribution to any eligible individual covered under a high deductible health plan of the employer shall (notwithstanding section 4980G(d)) be treated for purposes of section 4980G as a failure to meet the requirements of section 4980G(b).''.

(b) CERTAIN FSA COVERAGE DISREGARDED COVERAGE.—Subparagraph (B) of section 223(c)(1) (relating to certain coverage disregarded) is amended by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting '', and'', and by inserting after clause (ii) the following new clause:

''(iii) for taxable years beginning after December 31, 2006, coverage under a health flexible spending arrangement during any period immediately following the end of a plan year of such arrangement during which unused benefits or contributions remaining at the end of such plan year may be paid or reimbursed to plan participants for qualified benefit expenses incurred during such period if—

''(I) the balance in such arrangement at the end of such plan year is zero, or

''(II) the individual is making a qualified HSA distribution (as defined in section 106(e)) in an amount equal to the remaining balance in such arrangement as of the end of such plan year, in accordance with rules prescribed by the Secretary.''.

(c) APPLICATION OF SECTION.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall apply to distributions on or after the date of the enactment of this Act.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall take effect on the date of the enactment of this Act.

SEC. 303. REPEAL OF ANNUAL DEDUCTIBLE LIMITATION ON HSA CONTRIBUTIONS.

(a) IN GENERAL.—Paragraph (2) of section 223(b) (relating to monthly limitation) is amended—

(1) in subparagraph (A) by striking ''the lesser of—'' and all that follows and inserting ''$2,250.'', and

(2) in subparagraph (B) by striking ''the lesser of—'' and all that follows and inserting ''$4,500.''.

(b) CONFORMING AMENDMENT.—Section 223(d)(1)(A)(ii)(I) is amended by striking ''subsection (b)(2)(B)(ii)'' and inserting ''subsection (b)(2)(B)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 304. MODIFICATION OF COST-OF-LIVING ADJUSTMENT.

Paragraph (1) of section 223(g) (relating to cost-of-living adjustment) is amended by adding at the end the following new flush sentence:

''In the case of adjustments made for any taxable year beginning after 2007, section 1(f)(4) shall be applied for purposes of this paragraph by substituting 'March 31' for 'August 31', and the Secretary shall publish the adjusted amounts under subsections (b)(2) and (c)(2)(A) for taxable years beginning in any calendar year no later than June 1 of the preceding calendar year.''.

SEC. 305. CONTRIBUTION LIMITATION NOT REDUCED FOR PART-YEAR COVERAGE.

(a) INCREASE IN LIMIT FOR INDIVIDUALS BECOMING ELIGIBLE INDIVIDUALS AFTER BEGINNING OF THE YEAR.—Subsection (b) of section 223 (relating to limitations) is amended by adding at the end the following new paragraph:

''(8) INCREASE IN LIMIT FOR INDIVIDUALS BECOMING ELIGIBLE INDIVIDUALS AFTER THE BEGINNING OF THE YEAR.—

''(A) IN GENERAL.—For purposes of computing the limitation under paragraph (1) for any taxable year, an individual who is an eligible individual during the last month of such taxable year shall be treated—

''(i) as having been an eligible individual during each of the months in such taxable year, and

''(ii) as having been enrolled, during each of the months such individual is treated as an eligible individual solely by reason of clause (i), in the same high deductible health plan in which the individual was enrolled for the last month of such taxable year.

''(B) FAILURE TO MAINTAIN HIGH DEDUCTIBLE HEALTH PLAN COVERAGE.—

''(i) IN GENERAL.—If, at any time during the testing period, the individual is not an eligible individual, then—

''(I) gross income of the individual for the taxable year in which occurs the first month in the testing period for which such individual is not an eligible individual is increased by the aggregate amount of all contributions to the health savings account of the individual which could not have been made but for subparagraph (A), and

''(II) the tax imposed by this chapter for any taxable year on the individual shall be increased by 10 percent of the amount of such increase.

''(ii) EXCEPTION FOR DISABILITY OR DEATH.—Subclauses (I) and (II) of clause (i) shall not apply if the individual ceased to be an eligible individual by reason of the death of the individual or the individual becoming disabled (within the meaning of section 72(m)(7)).

''(iii) TESTING PERIOD.—The term 'testing period' means the period beginning with the last month of the taxable year referred to in subparagraph (A) and ending on the last day of the 12th month following such month.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 306. EXCEPTION TO REQUIREMENT FOR EMPLOYERS TO MAKE COMPARABLE HEALTH SAVINGS ACCOUNT CONTRIBUTIONS.

(a) IN GENERAL.—Section 4980G (relating to failure of employer to make comparable health savings account contributions) is amended by adding at the end the following new subsection:

''(d) EXCEPTION.—For purposes of applying section 4980E to a contribution to a health savings account of an employee who is not a highly compensated employee (as defined in section 414(q)), highly compensated employees shall not be treated as comparable participating employees.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 307. ONE-TIME DISTRIBUTION FROM INDIVIDUAL RETIREMENT PLANS TO FUND HSAS.

(a) IN GENERAL.—Subsection (d) of section 408 (relating to taxability of beneficiary of employees' trust) is amended by adding at the end the following new paragraph:

''(9) DISTRIBUTION FOR HEALTH SAVINGS ACCOUNT FUNDING.—

''(A) IN GENERAL.—In the case of an individual who is an eligible individual (as defined in section 223(c)) and who elects the application of this paragraph for a taxable year, gross income of the individual for the taxable year does not include a qualified HSA funding distribution to the extent such distribution is otherwise includible in gross income.

''(B) QUALIFIED HSA FUNDING DISTRIBUTION.—For purposes of this paragraph, the term 'qualified HSA funding distribution' means a distribution from an individual retirement plan (other than a plan described in subsection (k) or (p)) of the employee to the extent that such distribution is contributed to the health savings account of the individual in a direct trustee-to-trustee transfer.

''(C) LIMITATIONS.—

''(i) MAXIMUM DOLLAR LIMITATION.—The amount excluded from gross income by subparagraph (A) shall not exceed the excess of—

''(I) the annual limitation under section 223(b) computed on the basis of the type of coverage under the high deductible health plan covering the individual at the time of the qualified HSA funding distribution, over

''(II) in the case of a distribution described in clause (ii)(II), the amount of the earlier qualified HSA funding distribution.

''(ii) ONE-TIME TRANSFER.—

''(I) IN GENERAL.—Except as provided in subclause (II), an individual may make an election under subparagraph (A) only for one qualified HSA funding distribution during the lifetime of the individual. Such an election, once made, shall be irrevocable.

''(II) CONVERSION FROM SELF-ONLY TO FAMILY COVERAGE.—If a qualified HSA funding

distribution is made during a month in a taxable year during which an individual has self-only coverage under a high deductible health plan as of the first day of the month, the individual may elect to make an additional qualified HSA funding distribution during a subsequent month in such taxable year during which the individual has family coverage under a high deductible health plan as of the first day of the subsequent month.

''(D) FAILURE TO MAINTAIN HIGH DEDUCTIBLE HEALTH PLAN COVERAGE.—

''(i) IN GENERAL.—If, at any time during the testing period, the individual is not an eligible individual, then the aggregate amount of all contributions to the health savings account of the individual made under subparagraph (A)—

''(I) shall be includible in the gross income of the individual for the taxable year in which occurs the first month in the testing period for which such individual is not an eligible individual, and

''(II) the tax imposed by this chapter for any taxable year on the individual shall be increased by 10 percent of the amount which is so includible.

''(ii) EXCEPTION FOR DISABILITY OR DEATH.—Subclauses (I) and (II) of clause (i) shall not apply if the individual ceased to be an eligible individual by reason of the death of the individual or the individual becoming disabled (within the meaning of section 72(m)(7)).

''(iii) TESTING PERIOD.—The term 'testing period' means the period beginning with the month in which the qualified HSA funding distribution is contributed to a health savings account and ending on the last day of the 12th month following such month.

''(E) APPLICATION OF SECTION 72.—Notwithstanding section 72, in determining the extent to which an amount is treated as otherwise includible in gross income for purposes of subparagraph (A), the aggregate amount distributed from an individual retirement plan shall be treated as includible in gross income to the extent that such amount does not exceed the aggregate amount which would have been so includible if all amounts from all individual retirement plans were distributed. Proper adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.''.

(b) COORDINATION WITH LIMITATION ON CONTRIBUTIONS TO HSAS.—Section 223(b)(4) (relating to coordination with other contributions) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by inserting after subparagraph (B) the following new subparagraph:

''(C) the aggregate amount contributed to health savings accounts of such individual for such taxable year under section 408(d)(9) (and such amount shall not be allowed as a deduction under subsection (a)).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

TITLE IV—OTHER PROVISIONS

SEC. 401. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subsection (d) of section 199 (relating to definitions and special rules) is amended by redesignating paragraph (8) as paragraph (9) and by inserting after paragraph (7) the following new paragraph:

''(8) TREATMENT OF ACTIVITIES IN PUERTO RICO.—

''(A) IN GENERAL.—In the case of any taxpayer with gross receipts for any taxable year from sources within the Commonwealth of Puerto Rico, if all of such receipts are taxable under section 1 or 11 for such taxable year, then for purposes of determining the domestic production gross receipts of such taxpayer for such taxable year under subsection (c)(4), the term 'United States' shall include the Commonwealth of Puerto Rico.

''(B) SPECIAL RULE FOR APPLYING WAGE LIMITATION.—In the case of any taxpayer described in subparagraph (A), for purposes of applying the limitation under subsection (b) for any taxable year, the determination of W–2 wages of such taxpayer shall be made without regard to any exclusion under section 3401(a)(8) for remuneration paid for services performed in Puerto Rico.

''(C) TERMINATION.—This paragraph shall apply only with respect to the first 2 taxable years of the taxpayer beginning after December 31, 2005, and before January 1, 2008.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2005.

SEC. 402. CREDIT FOR PRIOR YEAR MINIMUM TAX LIABILITY MADE REFUNDABLE AFTER PERIOD OF YEARS.

(a) IN GENERAL.—Section 53 (relating to credit for prior year minimum tax liability) is amended by adding at the end the following new subsection:

''(e) SPECIAL RULE FOR INDIVIDUALS WITH LONG-TERM UNUSED CREDITS.—

''(1) IN GENERAL.—If an individual has a long-term unused minimum tax credit for any taxable year beginning before January 1, 2013, the amount determined under subsection (c) for such taxable year shall not be less than the AMT refundable credit amount for such taxable year.

''(2) AMT REFUNDABLE CREDIT AMOUNT.—For purposes of paragraph (1)—

''(A) IN GENERAL.—The term 'AMT refundable credit amount' means, with respect to any taxable year, the amount equal to the greater of—

''(i) the lesser of—

''(I) $5,000, or

''(II) the amount of long-term unused minimum tax credit for such taxable year, or

''(ii) 20 percent of the amount of such credit.

''(B) PHASEOUT OF AMT REFUNDABLE CREDIT AMOUNT.—

''(i) IN GENERAL.—In the case of an individual whose adjusted gross income for any taxable year exceeds the threshold amount (within the meaning of section 151(d)(3)(C)), the AMT refundable credit amount determined under subparagraph (A) for such taxable year shall be reduced by the applicable percentage (within the meaning of section 151(d)(3)(B)).

''(ii) ADJUSTED GROSS INCOME.—For purposes of clause (i), adjusted gross income shall be determined without regard to sections 911, 931, and 933.

''(3) LONG-TERM UNUSED MINIMUM TAX CREDIT.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'long-term unused minimum tax credit' means, with respect to any taxable year, the portion of the minimum tax credit determined under subsection (b) attributable to the adjusted net minimum tax for taxable years before the 3rd taxable year immediately preceding such taxable year.

''(B) FIRST-IN, FIRST-OUT ORDERING RULE.—For purposes of subparagraph (A), credits shall be treated as allowed under subsection (a) on a first-in, first-out basis.

''(4) CREDIT REFUNDABLE.—For purposes of this title (other than this section), the credit allowed by reason of this subsection shall be treated as if it were allowed under subpart C.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 6211(b)(4)(A) is amended by striking ''and 34'' and inserting ''34, and 53(e)''.

(2) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting ''or 53(e)'' after ''section 35''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 403. RETURNS REQUIRED IN CONNECTION WITH CERTAIN OPTIONS.

(a) IN GENERAL.—So much of section 6039(a) as follows paragraph (2) is amended to read as follows:

''shall, for such calendar year, make a return at such time and in such manner, and setting forth such information, as the Secretary may by regulations prescribe.''.

(b) STATEMENTS TO PERSONS WITH RESPECT TO WHOM INFORMATION IS FURNISHED.—Section 6039 is amended by redesignating subsections (b) and (c) as subsection (c) and (d), respectively, and by inserting after subsection (a) the following new subsection:

''(b) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REPORTED.—Every corporation making a return under subsection (a) shall furnish to each person whose name is set forth in such return a written statement setting forth such information as the Secretary may by regulations prescribe. The written statement required under the preceding sentence shall be furnished to such person on or before January 31 of the year following the calendar year for which the return under subsection (a) was made.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 6724(d)(1)(B) is amended by striking ''or'' at the end of clause (xvii), by striking ''and'' at the end of clause (xviii) and inserting ''or'', and by adding at the end the following new clause:

''(xix) section 6039(a) (relating to returns required with respect to certain options), and''.

(2) Section 6724(d)(2)(B) is amended by striking ''section 6039(a)'' and inserting ''section 6039(b)''.

(3) The heading of section 6039 and the item relating to such section in the table of sections of subpart A of part III of subchapter A of chapter 61 of such Code are each amended by striking ''Information'' and inserting ''Returns''.

(4) The heading of subsection (a) of section 6039 is amended by striking ''FURNISHING OF INFORMATION'' and inserting ''REQUIREMENT OF REPORTING''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after the date of the enactment of this Act.

SEC. 404. PARTIAL EXPENSING FOR ADVANCED MINE SAFETY EQUIPMENT.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 is amended by inserting after section 179D the following new section:

''SEC. 179E. ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT.

''(a) TREATMENT AS EXPENSES.—A taxpayer may elect to treat 50 percent of the cost of any qualified advanced mine safety equipment property as an expense which is not chargeable to capital account. Any cost so treated shall be allowed as a deduction for the taxable year in which the qualified advanced mine safety equipment property is placed in service.

''(b) ELECTION.—

''(1) IN GENERAL.—An election under this section for any taxable year shall be made on the taxpayer's return of the tax imposed by this chapter for the taxable year. Such election shall specify the advanced mine safety equipment property to which the election applies and shall be made in such manner as the Secretary may by regulations prescribe.

''(2) ELECTION IRREVOCABLE.—Any election made under this section may not be revoked except with the consent of the Secretary.

''(c) QUALIFIED ADVANCED MINE SAFETY EQUIPMENT PROPERTY.—For purposes of this section, the term 'qualified advanced mine safety equipment property' means any advanced mine safety equipment property for use in any underground mine located in the United States—

''(1) the original use of which commences with the taxpayer, and

''(2) which is placed in service by the taxpayer after the date of the enactment of this section.

''(d) ADVANCED MINE SAFETY EQUIPMENT PROPERTY.—For purposes of this section, the term 'advanced mine safety equipment property' means any of the following:

''(1) Emergency communication technology or device which is used to allow a miner to maintain constant communication with an individual who is not in the mine.

''(2) Electronic identification and location device which allows an individual who is not in the mine to track at all times the movements and location of miners working in or at the mine.

''(3) Emergency oxygen-generating, self-rescue device which provides oxygen for at least 90 minutes.

''(4) Pre-positioned supplies of oxygen which (in combination with self-rescue devices) can be used to provide each miner on a shift, in the event of an accident or other event which traps the miner in the mine or otherwise necessitates the use of such a self-rescue device, the ability to survive for at least 48 hours.

''(5) Comprehensive atmospheric monitoring system which monitors the levels of carbon monoxide, methane, and oxygen that are present in all areas of the mine and which can detect smoke in the case of a fire in a mine.

''(e) COORDINATION WITH SECTION 179.—No expenditures shall be taken into account under subsection (a) with respect to the portion of the cost of any property specified in an election under section 179.

''(f) REPORTING.—No deduction shall be allowed under subsection (a) to any taxpayer for any taxable year unless such taxpayer files with the Secretary a report containing such information with respect to the operation of the mines of the taxpayer as the Secretary shall require.

''(g) TERMINATION.—This section shall not apply to property placed in service after December 31, 2008.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 263(a)(1) is amended by striking ''or'' at the end of subparagraph (J), by striking the period at the end of subparagraph (K) and inserting '', or'', and by inserting after subparagraph (K) the following new subparagraph:

''(L) expenditures for which a deduction is allowed under section 179E.''.

(2) Section 312(k)(3)(B) is amended by striking ''or 179D'' each place it appears in the heading and text thereof and inserting ''179D, or 179E''.

(3) Paragraphs (2)(C) and (3)(C) of section 1245(a) are each amended by inserting ''179E,'' after ''179D,''.

(4) The table of sections for part VI of subchapter B of chapter 1 is amended by inserting after the item relating to section 179D the following new item:

''Sec. 179E. Election to expense advanced mine safety equipment.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to costs paid or incurred after the date of the enactment of this Act.

SEC. 405. MINE RESCUE TEAM TRAINING TAX CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding at the end the following new section:

''SEC. 45N. MINE RESCUE TEAM TRAINING CREDIT.

''(a) AMOUNT OF CREDIT.—For purposes of section 38, the mine rescue team training credit determined under this section with respect to each qualified mine rescue team employee of an eligible employer for any taxable year is an amount equal to the lesser of—

''(1) 20 percent of the amount paid or incurred by the taxpayer during the taxable year with respect to the training program costs of such qualified mine rescue team employee (including wages of such employee while attending such program), or

''(2) $10,000.

''(b) QUALIFIED MINE RESCUE TEAM EMPLOYEE.—For purposes of this section, the term 'qualified mine rescue team employee' means with respect to any taxable year any full-time employee of the taxpayer who is—

''(1) a miner eligible for more than 6 months of such taxable year to serve as a mine rescue team member as a result of completing, at a minimum, an initial 20-hour course of instruction as prescribed by the Mine Safety and Health Administration's Office of Educational Policy and Development, or

''(2) a miner eligible for more than 6 months of such taxable year to serve as a mine rescue team member by virtue of receiving at least 40 hours of refresher training in such instruction.

''(c) ELIGIBLE EMPLOYER.—For purposes of this section, the term 'eligible employer' means any taxpayer which employs individuals as miners in underground mines in the United States.

''(d) WAGES.—For purposes of this section, the term 'wages' has the meaning given to such term by subsection (b) of section 3306 (determined without regard to any dollar limitation contained in such section).

''(e) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2008.''.

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) is amended by striking ''and'' at the end of paragraph (29), by striking the period at the end of paragraph (30) and inserting '', plus'', and by adding at the end the following new paragraph:

''(31) the mine rescue team training credit determined under section 45N(a).''.

(c) NO DOUBLE BENEFIT.—Section 280C is amended by adding at the end the following new subsection:

''(e) MINE RESCUE TEAM TRAINING CREDIT.—No deduction shall be allowed for that portion of the expenses otherwise allowable as a deduction for the taxable year which is equal to the amount of the credit determined for the taxable year under section 45N(a).''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 45N. Mine rescue team training credit.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 406. WHISTLEBLOWER REFORMS.

(a) AWARDS TO WHISTLEBLOWERS.—

(1) IN GENERAL.—Section 7623 (relating to expenses of detection of underpayments and fraud, etc.) is amended—

(A) by striking ''The Secretary'' and inserting ''(a) IN GENERAL.—The Secretary'',

(B) by striking ''and'' at the end of paragraph (1) and inserting ''or'',

(C) by striking ''(other than interest)'', and

(D) by adding at the end the following new subsection:

''(b) AWARDS TO WHISTLEBLOWERS.—

''(1) IN GENERAL.—If the Secretary proceeds with any administrative or judicial action described in subsection (a) based on information brought to the Secretary's attention by an individual, such individual shall, subject to paragraph (2), receive as an award at least 15 percent but not more than 30 percent of the collected proceeds (including penalties, interest, additions to tax, and additional amounts) resulting from the action (including any related actions) or from any settlement in response to such action. The determination of the amount of such award by the Whistleblower Office shall depend upon the extent to which the individual substantially contributed to such action.

''(2) AWARD IN CASE OF LESS SUBSTANTIAL CONTRIBUTION.—

''(A) IN GENERAL.—In the event the action described in paragraph (1) is one which the Whistleblower Office determines to be based principally on disclosures of specific allegations (other than information provided by the individual described in paragraph (1)) resulting from a judicial or administrative hearing, from a governmental report, hearing, audit, or investigation, or from the news media, the Whistleblower Office may award such sums as it considers appropriate, but in no case more than 10 percent of the collected proceeds (including penalties, interest, additions to tax, and additional amounts) resulting from the action (including any related actions) or from any settlement in response to such action, taking into account the significance of the individual's information and the role of such individual and any legal representative of such individual in contributing to such action.

''(B) NONAPPLICATION OF PARAGRAPH WHERE INDIVIDUAL IS ORIGINAL SOURCE OF INFORMATION.—Subparagraph (A) shall not apply if the information resulting in the initiation of the action described in paragraph (1) was originally provided by the individual described in paragraph (1).

''(3) REDUCTION IN OR DENIAL OF AWARD.—If the Whistleblower Office determines that the claim for an award under paragraph (1) or (2) is brought by an individual who planned and initiated the actions that led to the underpayment of tax or actions described in subsection (a)(2), then the Whistleblower Office may appropriately reduce such award. If such individual is convicted of criminal conduct arising from the role described in the preceding sentence, the Whistleblower Office shall deny any award.

''(4) APPEAL OF AWARD DETERMINATION.—Any determination regarding an award under paragraph (1), (2), or (3) may, within 30 days of such determination, be appealed to the Tax Court (and the Tax Court shall have jurisdiction with respect to such matter).

''(5) APPLICATION OF THIS SUBSECTION.—This subsection shall apply with respect to any action—

''(A) against any taxpayer, but in the case of any individual, only if such individual's gross income exceeds $200,000 for any taxable year subject to such action, and

''(B) if the tax, penalties, interest, additions to tax, and additional amounts in dispute exceed $2,000,000.

''(6) ADDITIONAL RULES.—

''(A) NO CONTRACT NECESSARY.—No contract with the Internal Revenue Service is necessary for any individual to receive an award under this subsection.

''(B) REPRESENTATION.—Any individual described in paragraph (1) or (2) may be represented by counsel.

''(C) SUBMISSION OF INFORMATION.—No award may be made under this subsection

based on information submitted to the Secretary unless such information is submitted under penalty of perjury.''.

(2) ASSIGNMENT TO SPECIAL TRIAL JUDGES.—

(A) IN GENERAL.—Section 7443A(b) (relating to proceedings which may be assigned to special trial judges) is amended by striking ''and'' at the end of paragraph (5), by redesignating paragraph (6) as paragraph (7), and by inserting after paragraph (5) the following new paragraph:

''(6) any proceeding under section 7623(b)(4), and''.

(B) CONFORMING AMENDMENT.—Section 7443A(c) is amended by striking ''or (5)'' and inserting ''(5), or (6)''.

(3) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ITEMIZES.—Subsection (a) of section 62 (relating to general rule defining adjusted gross income) is amended by inserting after paragraph (20) the following new paragraph:

''(21) ATTORNEYS FEES RELATING TO AWARDS TO WHISTLEBLOWERS.—Any deduction allowable under this chapter for attorney fees and court costs paid by, or on behalf of, the taxpayer in connection with any award under section 7623(b) (relating to awards to whistleblowers). The preceding sentence shall not apply to any deduction in excess of the amount includible in the taxpayer's gross income for the taxable year on account of such award.''.

(b) WHISTLEBLOWER OFFICE.—

(1) IN GENERAL.—Not later than the date which is 12 months after the date of the enactment of this Act, the Secretary of the Treasury shall issue guidance for the operation of a whistleblower program to be administered in the Internal Revenue Service by an office to be known as the ''Whistleblower Office'' which—

(A) shall at all times operate at the direction of the Commissioner of Internal Revenue and coordinate and consult with other divisions in the Internal Revenue Service as directed by the Commissioner of Internal Revenue,

(B) shall analyze information received from any individual described in section 7623(b) of the Internal Revenue Code of 1986 and either investigate the matter itself or assign it to the appropriate Internal Revenue Service office, and

(C) in its sole discretion, may ask for additional assistance from such individual or any legal representative of such individual.

(2) REQUEST FOR ASSISTANCE.—The guidance issued under paragraph (1) shall specify that any assistance requested under paragraph (1)(C) shall be under the direction and control of the Whistleblower Office or the office assigned to investigate the matter under paragraph (1)(A). No individual or legal representative whose assistance is so requested may by reason of such request represent himself or herself as an employee of the Federal Government.

(c) REPORT BY SECRETARY.—The Secretary of the Treasury shall each year conduct a study and report to Congress on the use of section 7623 of the Internal Revenue Code of 1986, including—

(1) an analysis of the use of such section during the preceding year and the results of such use, and

(2) any legislative or administrative recommendations regarding the provisions of such section and its application.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to information provided on or after the date of the enactment of this Act.

SEC. 407. FRIVOLOUS TAX SUBMISSIONS.

(a) CIVIL PENALTIES.—Section 6702 is amended to read as follows:

''SEC. 6702. FRIVOLOUS TAX SUBMISSIONS.

''(a) CIVIL PENALTY FOR FRIVOLOUS TAX RETURNS.—A person shall pay a penalty of $5,000 if—

''(1) such person files what purports to be a return of a tax imposed by this title but which—

''(A) does not contain information on which the substantial correctness of the self-assessment may be judged, or

''(B) contains information that on its face indicates that the self-assessment is substantially incorrect, and

''(2) the conduct referred to in paragraph (1)—

''(A) is based on a position which the Secretary has identified as frivolous under subsection (c), or

''(B) reflects a desire to delay or impede the administration of Federal tax laws.

''(b) CIVIL PENALTY FOR SPECIFIED FRIVOLOUS SUBMISSIONS.—

''(1) IMPOSITION OF PENALTY.—Except as provided in paragraph (3), any person who submits a specified frivolous submission shall pay a penalty of $5,000.

''(2) SPECIFIED FRIVOLOUS SUBMISSION.—For purposes of this section—

''(A) SPECIFIED FRIVOLOUS SUBMISSION.—The term 'specified frivolous submission' means a specified submission if any portion of such submission—

''(i) is based on a position which the Secretary has identified as frivolous under subsection (c), or

''(ii) reflects a desire to delay or impede the administration of Federal tax laws.

''(B) SPECIFIED SUBMISSION.—The term 'specified submission' means—

''(i) a request for a hearing under—

''(I) section 6320 (relating to notice and opportunity for hearing upon filing of notice of lien), or

''(II) section 6330 (relating to notice and opportunity for hearing before levy), and

''(ii) an application under—

''(I) section 6159 (relating to agreements for payment of tax liability in installments),

''(II) section 7122 (relating to compromises), or

''(III) section 7811 (relating to taxpayer assistance orders).

''(3) OPPORTUNITY TO WITHDRAW SUBMISSION.—If the Secretary provides a person with notice that a submission is a specified frivolous submission and such person withdraws such submission within 30 days after such notice, the penalty imposed under paragraph (1) shall not apply with respect to such submission.

''(c) LISTING OF FRIVOLOUS POSITIONS.—The Secretary shall prescribe (and periodically revise) a list of positions which the Secretary has identified as being frivolous for purposes of this subsection. The Secretary shall not include in such list any position that the Secretary determines meets the requirement of section 6662(d)(2)(B)(ii)(II).

''(d) REDUCTION OF PENALTY.—The Secretary may reduce the amount of any penalty imposed under this section if the Secretary determines that such reduction would promote compliance with and administration of the Federal tax laws.

''(e) PENALTIES IN ADDITION TO OTHER PENALTIES.—The penalties imposed by this section shall be in addition to any other penalty provided by law.''.

(b) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS BEFORE LEVY.—

(1) FRIVOLOUS REQUESTS DISREGARDED.—Section 6330 (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

''(g) FRIVOLOUS REQUESTS FOR HEARING, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of a request for a hearing under this section or section 6320 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.''.

(2) PRECLUSION FROM RAISING FRIVOLOUS ISSUES AT HEARING.—Section 6330(c)(4) is amended—

(A) by striking ''(A)'' and inserting ''(A)(i)'';

(B) by striking ''(B)'' and inserting ''(ii)'';

(C) by striking the period at the end of the first sentence and inserting ''; or''; and

(D) by inserting after subparagraph (A)(ii) (as so redesignated) the following:

''(B) the issue meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A).''.

(3) STATEMENT OF GROUNDS.—Section 6330(b)(1) is amended by striking ''under subsection (a)(3)(B)'' and inserting ''in writing under subsection (a)(3)(B) and states the grounds for the requested hearing''.

(c) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS UPON FILING OF NOTICE OF LIEN.—Section 6320 is amended—

(1) in subsection (b)(1), by striking ''under subsection (a)(3)(B)'' and inserting ''in writing under subsection (a)(3)(B) and states the grounds for the requested hearing'', and

(2) in subsection (c), by striking ''and (e)'' and inserting ''(e), and (g)''.

(d) TREATMENT OF FRIVOLOUS APPLICATIONS FOR OFFERS-IN-COMPROMISE AND INSTALLMENT AGREEMENTS.—Section 7122 is amended by adding at the end the following new subsection:

''(f) FRIVOLOUS SUBMISSIONS, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of an application for an offer-in-compromise or installment agreement submitted under this section or section 6159 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.''.

(e) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6702 and inserting the following new item:

''Sec. 6702. Frivolous tax submissions.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to submissions made and issues raised after the date on which the Secretary first prescribes a list under section 6702(c) of the Internal Revenue Code of 1986, as amended by subsection (a).

SEC. 408. ADDITION OF MENINGOCOCCAL AND HUMAN PAPILLOMAVIRUS VACCINES TO LIST OF TAXABLE VACCINES.

(a) MENINGOCOCCAL VACCINE.—Section 4132(a)(1) (defining taxable vaccine) is amended by adding at the end the following new subparagraph:

''(O) Any meningococcal vaccine.''.

(b) HUMAN PAPILLOMAVIRUS VACCINE.—Section 4132(a)(1), as amended by subsection (a), is amended by adding at the end the following new subparagraph:

''(P) Any vaccine against the human papillomavirus.''.

(c) EFFECTIVE DATE.—

(1) SALES, ETC.—The amendments made by this section shall apply to sales and uses on or after the first day of the first month which begins more than 4 weeks after the date of the enactment of this Act.

(2) DELIVERIES.—For purposes of paragraph (1) and section 4131 of the Internal Revenue Code of 1986, in the case of sales on or before the effective date described in such paragraph for which delivery is made after such date, the delivery date shall be considered the sale date.

SEC. 409. CLARIFICATION OF TAXATION OF CERTAIN SETTLEMENT FUNDS MADE PERMANENT.

(a) IN GENERAL.—Subsection (g) of section 468B is amended by striking paragraph (3).

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 201 of the Tax Increase Prevention and Reconciliation Act of 2005.

SEC. 410. MODIFICATION OF ACTIVE BUSINESS DEFINITION UNDER SECTION 355 MADE PERMANENT.

(a) IN GENERAL.—Subparagraphs (A) and (D) of section 355(b)(3) are each amended by striking ''and on or before December 31, 2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 202 of the Tax Increase Prevention and Reconciliation Act of 2005.

SEC. 411. REVISION OF STATE VETERANS LIMIT MADE PERMANENT.

(a) IN GENERAL.—Subparagraph (B) of section 143(l)(3) is amended by striking clause (iv).

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 203 of the Tax Increase Prevention and Reconciliation Act of 2005.

SEC. 412. CAPITAL GAINS TREATMENT FOR CERTAIN SELF-CREATED MUSICAL WORKS MADE PERMANENT.

(a) IN GENERAL.—Paragraph (3) of section 1221(b) is amended by striking ''before January 1, 2011,''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 204 of the Tax Increase Prevention and Reconciliation Act of 2005.

SEC. 413. REDUCTION IN MINIMUM VESSEL TONNAGE WHICH QUALIFIES FOR TONNAGE TAX MADE PERMANENT.

(a) IN GENERAL.—Paragraph (4) of section 1355(a) is amended by striking ''10,000 (6,000, in the case of taxable years beginning after December 31, 2005, and ending before January 1, 2011)'' and inserting ''6,000''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 205 of the Tax Increase Prevention and Reconciliation Act of 2005.

SEC. 414. MODIFICATION OF SPECIAL ARBITRAGE RULE FOR CERTAIN FUNDS MADE PERMANENT.

(a) IN GENERAL.—Section 206 of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking ''and before August 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 206 of the Tax Increase Prevention and Reconciliation Act of 2005.

SEC. 415. GREAT LAKES DOMESTIC SHIPPING TO NOT DISQUALIFY VESSEL FROM TONNAGE TAX.

(a) IN GENERAL.—Section 1355 (relating to definitions and special rules) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

''(g) GREAT LAKES DOMESTIC SHIPPING TO NOT DISQUALIFY VESSEL.—

''(1) IN GENERAL.—If the electing corporation elects (at such time and in such manner as the Secretary may require) to apply this subsection for any taxable year to any qualifying vessel which is used in qualified zone domestic trade during the taxable year—

''(A) solely for purposes of subsection (a)(4), such use shall be treated as use in United States foreign trade (and not as use in United States domestic trade), and

''(B) subsection (f) shall not apply with respect to such vessel for such taxable year.

''(2) EFFECT OF TEMPORARILY OPERATING VESSEL IN UNITED STATES DOMESTIC TRADE.—In the case of a qualifying vessel to which this subsection applies—

''(A) IN GENERAL.—An electing corporation shall be treated as using such vessel in qualified zone domestic trade during any period of temporary use in the United States domestic trade (other than qualified zone domestic trade) if the electing corporation gives timely notice to the Secretary stating—

''(i) that it temporarily operates or has operated in the United States domestic trade (other than qualified zone domestic trade) a qualifying vessel which had been used in the United States foreign trade or qualified zone domestic trade, and

''(ii) its intention to resume operation of the vessel in the United States foreign trade or qualified zone domestic trade.

''(B) NOTICE.—Notice shall be deemed timely if given not later than the due date (including extensions) for the corporation's tax return for the taxable year in which the temporary cessation begins.

''(C) PERIOD DISREGARD IN EFFECT.—The period of temporary use under subparagraph (A) continues until the earlier of the date of which—

''(i) the electing corporation abandons its intention to resume operations of the vessel in the United States foreign trade or qualified zone domestic trade, or

''(ii) the electing corporation resumes operation of the vessel in the United States foreign trade or qualified zone domestic trade.

''(D) NO DISREGARD IF DOMESTIC TRADE USE EXCEEDS 30 DAYS.—Subparagraph (A) shall not apply to any qualifying vessel which is operated in the United States domestic trade (other than qualified zone domestic trade) for more than 30 days during the taxable year.

''(3) ALLOCATION OF INCOME AND DEDUCTIONS TO QUALIFYING SHIPPING ACTIVITIES.—In the case of a qualifying vessel to which this subsection applies, the Secretary shall prescribe rules for the proper allocation of income, expenses, losses, and deductions between the qualified shipping activities and the other activities of such vessel.

''(4) QUALIFIED ZONE DOMESTIC TRADE.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified zone domestic trade' means the transportation of goods or passengers between places in the qualified zone if such transportation is in the United States domestic trade.

''(B) QUALIFIED ZONE.—The term 'qualified zone' means the Great Lakes Waterway and the St. Lawrence Seaway.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 416. USE OF QUALIFIED MORTGAGE BONDS TO FINANCE RESIDENCES FOR VETERANS WITHOUT REGARD TO FIRST-TIME HOMEBUYER REQUIREMENT.

(a) IN GENERAL.—Section 143(d)(2) (relating to exceptions to 3-year requirement) is amended by striking ''and'' at the end of subparagraph (B), by adding ''and'' at the end of subparagraph (C), and by inserting after subparagraph (C) the following new subparagraph:

''(D) in the case of bonds issued after the date of the enactment of this subparagraph and before January 1, 2008, financing of any residence for a veteran (as defined in section 101 of title 38, United States Code), if such veteran has not previously qualified for and received such financing by reason of this subparagraph,''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 417. EXCLUSION OF GAIN FROM SALE OF A PRINCIPAL RESIDENCE BY CERTAIN EMPLOYEES OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Subparagraph (A) of section 121(d)(9) (relating to exclusion of gain from sale of principal residence) is amended by striking ''duty'' and all that follows and inserting ''duty—

''(i) as a member of the uniformed services,

''(ii) as a member of the Foreign Service of the United States, or

''(iii) as an employee of the intelligence community.''.

(b) EMPLOYEE OF INTELLIGENCE COMMUNITY DEFINED.—Subparagraph (C) of section 121(d)(9) is amended by redesignating clause (iv) as clause (v) and by inserting after clause (iii) the following new clause:

''(iv) EMPLOYEE OF INTELLIGENCE COMMUNITY.—The term 'employee of the intelligence community' means an employee (as defined by section 2105 of title 5, United States Code) of—

''(I) the Office of the Director of National Intelligence,

''(II) the Central Intelligence Agency,

''(III) the National Security Agency,

''(IV) the Defense Intelligence Agency,

''(V) the National Geospatial-Intelligence Agency,

''(VI) the National Reconnaissance Office,

''(VII) any other office within the Department of Defense for the collection of specialized national intelligence through reconnaissance programs,

''(VIII) any of the intelligence elements of the Army, the Navy, the Air Force, the Marine Corps, the Federal Bureau of Investigation, the Department of Treasury, the Department of Energy, and the Coast Guard,

''(IX) the Bureau of Intelligence and Research of the Department of State, or

''(X) any of the elements of the Department of Homeland Security concerned with the analyses of foreign intelligence information.''.

(c) SPECIAL RULE.—Subparagraph (C) of section 121(d)(9), as amended by subsection (b), is amended by adding at the end the following new clause:

''(vi) SPECIAL RULE RELATING TO INTELLIGENCE COMMUNITY.—An employee of the intelligence community shall not be treated as serving on qualified extended duty unless such duty is at a duty station located outside the United States.''.

(d) CONFORMING AMENDMENT.—The heading for section 121(d)(9) is amended to read as follows: ''UNIFORMED SERVICES, FOREIGN SERVICE, AND INTELLIGENCE COMMUNITY''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or exchanges after the date of the enactment of this Act and before January 1, 2011.

SEC. 418. SALE OF PROPERTY BY JUDICIAL OFFICERS.

(a) IN GENERAL.—Section 1043(b) (relating to the sale of property to comply with conflict-of-interest requirements) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting '', or a judicial officer,'' after ''an officer or employee of the executive branch''; and

(B) in subparagraph (B), by inserting ''judicial canon,'' after ''any statute, regulation, rule,'';

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting ''judicial canon,'' after ''any Federal conflict of interest statute, regulation, rule,''; and

(B) in subparagraph (B), by inserting after ''the Director of the Office of Government Ethics,'' the following: ''in the case of executive branch officers or employees, or by the Judicial Conference of the United States (or its designee), in the case of judicial officers,''; and

(3) in paragraph (5)(B), by inserting ''judicial canon,'' after ''any statute, regulation, rule,''.

(b) JUDICIAL OFFICER DEFINED.—Section 1043(b) is amended by adding at the end the following new paragraph:

''(6) JUDICIAL OFFICER.—The term 'judicial officer' means the Chief Justice of the United States, the Associate Justices of the Supreme Court, and the judges of the United States courts of appeals, United States district courts, including the district courts in Guam, the Northern Mariana Islands, and the Virgin Islands, Court of Appeals for the Federal Circuit, Court of International Trade, Tax Court, Court of Federal Claims, Court of Appeals for Veterans Claims, United States Court of Appeals for the Armed Forces, and any court created by Act of Congress, the judges of which are entitled to hold office during good behavior.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after the date of enactment of this Act.

SEC. 419. PREMIUMS FOR MORTGAGE INSURANCE.

(a) IN GENERAL.—Section 163(h)(3) (relating to qualified residence interest) is amended by adding at the end the following new subparagraph:

''(E) MORTGAGE INSURANCE PREMIUMS TREATED AS INTEREST.—

''(i) IN GENERAL.—Premiums paid or accrued for qualified mortgage insurance by a taxpayer during the taxable year in connection with acquisition indebtedness with respect to a qualified residence of the taxpayer shall be treated for purposes of this section as interest which is qualified residence interest.

''(ii) PHASEOUT.—The amount otherwise treated as interest under clause (i) shall be reduced (but not below zero) by 10 percent of such amount for each $1,000 ($500 in the case of a married individual filing a separate return) (or fraction thereof) that the taxpayer's adjusted gross income for the taxable year exceeds $100,000 ($50,000 in the case of a married individual filing a separate return).

''(iii) LIMITATION.—Clause (i) shall not apply with respect to any mortgage insurance contracts issued before January 1, 2007.

''(iv) TERMINATION.—Clause (i) shall not apply to amounts—

''(I) paid or accrued after December 31, 2007, or

''(II) properly allocable to any period after such date.''.

(b) DEFINITION AND SPECIAL RULES.—Section 163(h)(4) (relating to other definitions and special rules) is amended by adding at the end the following new subparagraphs:

''(E) QUALIFIED MORTGAGE INSURANCE.—The term 'qualified mortgage insurance' means—

''(i) mortgage insurance provided by the Veterans Administration, the Federal Housing Administration, or the Rural Housing Administration, and

''(ii) private mortgage insurance (as defined by section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901), as in effect on the date of the enactment of this subparagraph).

''(F) SPECIAL RULES FOR PREPAID QUALIFIED MORTGAGE INSURANCE.—Any amount paid by the taxpayer for qualified mortgage insurance that is properly allocable to any mortgage the payment of which extends to periods that are after the close of the taxable year in which such amount is paid shall be chargeable to capital account and shall be treated as paid in such periods to which so allocated. No deduction shall be allowed for the unamortized balance of such account if such mortgage is satisfied before the end of its term. The preceding sentences shall not apply to amounts paid for qualified mortgage insurance provided by the Veterans Administration or the Rural Housing Administration.''.

(c) INFORMATION RETURNS RELATING TO MORTGAGE INSURANCE.—Section 6050H (relating to returns relating to mortgage interest received in trade or business from individuals) is amended by adding at the end the following new subsection:

''(h) RETURNS RELATING TO MORTGAGE INSURANCE PREMIUMS.—

''(1) IN GENERAL.—The Secretary may prescribe, by regulations, that any person who, in the course of a trade or business, receives from any individual premiums for mortgage insurance aggregating $600 or more for any calendar year, shall make a return with respect to each such individual. Such return shall be in such form, shall be made at such time, and shall contain such information as the Secretary may prescribe.

''(2) STATEMENT TO BE FURNISHED TO INDIVIDUALS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under paragraph (1) shall furnish to each individual with respect to whom a return is made a written statement showing such information as the Secretary may prescribe. Such written statement shall be furnished on or before January 31 of the year following the calendar year for which the return under paragraph (1) was required to be made.

''(3) SPECIAL RULES.—For purposes of this subsection—

''(A) rules similar to the rules of subsection (c) shall apply, and

''(B) the term 'mortgage insurance' means—

''(i) mortgage insurance provided by the Veterans Administration, the Federal Housing Administration, or the Rural Housing Administration, and

''(ii) private mortgage insurance (as defined by section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901), as in effect on the date of the enactment of this subsection).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or accrued after December 31, 2006.

SEC. 420. MODIFICATION OF REFUNDS FOR KEROSENE USED IN AVIATION.

(a) IN GENERAL.—Paragraph (4) of section 6427(l) (relating to nontaxable uses of diesel fuel and kerosene) is amended to read as follows:

''(4) REFUNDS FOR KEROSENE USED IN AVIATION.—

''(A) KEROSENE USED IN COMMERCIAL AVIATION.—In the case of kerosene used in commercial aviation (as defined in section 4083(b)) (other than supplies for vessels or aircraft within the meaning of section 4221(d)(3)), paragraph (1) shall not apply to so much of the tax imposed by section 4041 or 4081, as the case may be, as is attributable to—

''(i) the Leaking Underground Storage Tank Trust Fund financing rate imposed by such section, and

''(ii) so much of the rate of tax specified in section 4041(c) or 4081(a)(2)(A)(iii), as the case may be, as does not exceed 4.3 cents per gallon.

''(B) KEROSENE USED IN NONCOMMERCIAL AVIATION.—In the case of kerosene used in aviation that is not commercial aviation (as so defined) (other than any use which is exempt from the tax imposed by section 4041(c) other than by reason of a prior imposition of tax), paragraph (1) shall not apply to—

''(i) any tax imposed by subsection (c) or (d)(2) of section 4041, and

''(ii) so much of the tax imposed by section 4081 as is attributable to—

''(I) the Leaking Underground Storage Tank Trust Fund financing rate imposed by such section, and

''(II) so much of the rate of tax specified in section 4081(a)(2)(A)(iii) as does not exceed the rate specified in section 4081(a)(2)(C)(ii).

''(C) PAYMENTS TO ULTIMATE, REGISTERED VENDOR.—

''(i) IN GENERAL.—With respect to any kerosene used in aviation (other than kerosene described in clause (ii) or kerosene to which paragraph (5) applies), if the ultimate purchaser of such kerosene waives (at such time and in such form and manner as the Secretary shall prescribe) the right to payment under paragraph (1) and assigns such right to the ultimate vendor, then the Secretary shall pay the amount which would be paid under paragraph (1) to such ultimate vendor, but only if such ultimate vendor—

''(I) is registered under section 4101, and

''(II) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).

''(ii) PAYMENTS FOR KEROSENE USED IN NONCOMMERCIAL AVIATION.—The amount which would be paid under paragraph (1) with respect to any kerosene to which subparagraph (B) applies shall be paid only to the ultimate vendor of such kerosene. A payment shall be made to such vendor if such vendor—

''(I) is registered under section 4101, and

''(II) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 6427(l) is amended by striking paragraph (5) and by redesignating paragraph (6) as paragraph (5).

(2) Section 4082(d)(2)(B) is amended by striking ''section 6427(l)(6)(B)'' and inserting ''section 6427(l)(5)(B)''.

(3) Section 6427(i)(4)(A) is amended—

(A) by striking ''paragraph (4)(B), (5), or (6)'' each place it appears and inserting ''paragraph (4)(C) or (5)'', and

(B) by striking ''(l)(5), and (l)(6)'' and inserting ''(l)(4)(C)(ii), and (l)(5)''.

(4) Section 6427(l)(1) is amended by striking ''paragraph (4)(B)'' and inserting ''paragraph (4)(C)(i)''.

(5) Section 9502(d) is amended—

(A) in paragraph (2), by striking ''and (l)(5)'', and

(B) in paragraph (3), by striking ''or (5)''.

(6) Section 9503(c)(7) is amended—

(A) by amending subparagraphs (A) and (B) to read as follows:

''(A) 4.3 cents per gallon of kerosene subject to section 6427(l)(4)(A) with respect to which a payment has been made by the Secretary under section 6427(l), and

''(B) 21.8 cents per gallon of kerosene subject to section 6427(l)(4)(B) with respect to which a payment has been made by the Secretary under section 6427(l).'', and

(B) in the matter following subparagraph (B), by striking ''or (5)''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to kerosene sold after September 30, 2005.

(2) SPECIAL RULE FOR PENDING CLAIMS.—In the case of kerosene sold for use in aviation (other than kerosene to which section 6427(l)(4)(C)(ii) of the Internal Revenue Code of 1986 (as added by subsection (a)) applies or kerosene to which section 6427(l)(5) of such Code (as redesignated by subsection (b)) applies) after September 30, 2005, and before the date of the enactment of this Act, the ultimate purchaser shall be treated as having waived the right to payment under section 6427(l)(1) of such Code and as having assigned such right to the ultimate vendor if such ultimate vendor has met the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1) of such Code.

(d) SPECIAL RULE FOR KEROSENE USED IN AVIATION ON A FARM FOR FARMING PURPOSES.—

(1) REFUNDS FOR PURCHASES AFTER DECEMBER 31, 2004, AND BEFORE OCTOBER 1, 2005.—

The Secretary of the Treasury shall pay to the ultimate purchaser of any kerosene which is used in aviation on a farm for farming purposes and which was purchased after December 31, 2004, and before October 1, 2005, an amount equal to the aggregate amount of tax imposed on such fuel under section 4041 or 4081 of the Internal Revenue Code of 1986, as the case may be, reduced by any payment to the ultimate vendor under section 6427(l)(5)(C) of such Code (as in effect on the day before the date of the enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: a Legacy for Users).

(2) USE ON A FARM FOR FARMING PURPOSES.—For purposes of paragraph (1), kerosene shall be treated as used on a farm for farming purposes if such kerosene is used for farming purposes (within the meaning of section 6420(c)(3) of the Internal Revenue Code of 1986) in carrying on a trade or business on a farm situated in the United States. For purposes of the preceding sentence, rules similar to the rules of section 6420(c)(4) of such Code shall apply.

(3) TIME FOR FILING CLAIMS.—No claim shall be allowed under paragraph (1) unless the ultimate purchaser files such claim before the date that is 3 months after the date of the enactment of this Act.

(4) NO DOUBLE BENEFIT.—No amount shall be paid under paragraph (1) or section 6427(l) of the Internal Revenue Code of 1986 with respect to any kerosene described in paragraph (1) to the extent that such amount is in excess of the tax imposed on such kerosene under section 4041 or 4081 of such Code, as the case may be.

(5) APPLICABLE LAWS.—For purposes of this subsection, rules similar to the rules of section 6427(j) of the Internal Revenue Code of 1986 shall apply.

SEC. 421. REGIONAL INCOME TAX AGENCIES TREATED AS STATES FOR PURPOSES OF CONFIDENTIALITY AND DISCLOSURE REQUIREMENTS.

(a) IN GENERAL.—Paragraph (5) of section 6103(b) is amended to read as follows:

''(5) STATE.—

''(A) IN GENERAL.—The term 'State' means—

''(i) any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands,

''(ii) for purposes of subsections (a)(2), (b)(4), (d)(1), (h)(4), and (p), any municipality—

''(I) with a population in excess of 250,000 (as determined under the most recent decennial United States census data available),

''(II) which imposes a tax on income or wages, and

''(III) with which the Secretary (in his sole discretion) has entered into an agreement regarding disclosure, and

''(iii) for purposes of subsections (a)(2), (b)(4), (d)(1), (h)(4), and (p), any governmental entity—

''(I) which is formed and operated by a qualified group of municipalities, and

''(II) with which the Secretary (in his sole discretion) has entered into an agreement regarding disclosure.

''(B) REGIONAL INCOME TAX AGENCIES.—For purposes of subparagraph (A)(iii)—

''(i) QUALIFIED GROUP OF MUNICIPALITIES.—The term 'qualified group of municipalities' means, with respect to any governmental entity, 2 or more municipalities—

''(I) each of which imposes a tax on income or wages,

''(II) each of which, under the authority of a State statute, administers the laws relating to the imposition of such taxes through such entity, and

''(III) which collectively have a population in excess of 250,000 (as determined under the most recent decennial United States census data available).

''(ii) REFERENCES TO STATE LAW, ETC.—For purposes of applying subparagraph (A)(iii) to the subsections referred to in such subparagraph, any reference in such subsections to State law, proceedings, or tax returns shall be treated as references to the law, proceedings, or tax returns, as the case may be, of the municipalities which form and operate the governmental entity referred to in such subparagraph.

''(iii) DISCLOSURE TO CONTRACTORS AND OTHER AGENTS.—Notwithstanding any other provision of this section, no return or return information shall be disclosed to any contractor or other agent of a governmental entity referred to in subparagraph (A)(iii) unless such entity, to the satisfaction of the Secretary—

''(I) has requirements in effect which require each such contractor or other agent which would have access to returns or return information to provide safeguards (within the meaning of subsection (p)(4)) to protect the confidentiality of such returns or return information,

''(II) agrees to conduct an on-site review every 3 years (or a mid-point review in the case of contracts or agreements of less than 3 years in duration) of each contractor or other agent to determine compliance with such requirements,

''(III) submits the findings of the most recent review conducted under subclause (II) to the Secretary as part of the report required by subsection (p)(4)(E), and

''(IV) certifies to the Secretary for the most recent annual period that such contractor or other agent is in compliance with all such requirements.

The certification required by subclause (IV) shall include the name and address of each contractor and other agent, a description of the contract or agreement with such contractor or other agent, and the duration of such contract or agreement. The requirements of this clause shall not apply to disclosures pursuant to subsection (n) for purposes of Federal tax administration and a rule similar to the rule of subsection (p)(8)(B) shall apply for purposes of this clause.''.

(b) SPECIAL RULES FOR DISCLOSURE.—Subsection (d) of section 6103 is amended by adding at the end the following new paragraph:

''(6) LIMITATION ON DISCLOSURE REGARDING REGIONAL INCOME TAX AGENCIES TREATED AS STATES.—For purposes of paragraph (1), inspection by or disclosure to an entity described in subsection (b)(5)(A)(iii) shall be for the purpose of, and only to the extent necessary in, the administration of the laws of the member municipalities in such entity relating to the imposition of a tax on income or wages. Such entity may not redisclose any return or return information received pursuant to paragraph (1) to any such member municipality.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures made after December 31, 2006.

SEC. 422. DESIGNATION OF WINES BY SEMI-GENERIC NAMES.

(a) IN GENERAL.—Subsection (c) of section 5388 (relating to use of semi-generic designations) is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR USE OF CERTAIN SEMI-GENERIC DESIGNATIONS.—

''(A) IN GENERAL.—In the case of any wine to which this paragraph applies—

''(i) paragraph (1) shall not apply,

''(ii) in the case of wine of the European Community, designations referred to in subparagraph (C)(i) may be used for such wine only if the requirement of subparagraph (B)(ii) is met, and

''(iii) in the case any other wine bearing a brand name, or brand name and fanciful name, semi-generic designations may be used for such wine only if the requirements of clauses (i), (ii), and (iii) of subparagraph (B) are met.

''(B) REQUIREMENTS.—

''(i) The requirement of this clause is met if there appears in direct conjunction with the semi-generic designation an appropriate appellation of origin disclosing the origin of the wine.

''(ii) The requirement of this clause is met if the wine conforms to the standard of identity, if any, for such wine contained in the regulations under this section or, if there is no such standard, to the trade understanding of such class or type.

''(iii) The requirement of this clause is met if the person, or its successor in interest, using the semi-generic designation held a Certificate of Label Approval or Certificate of Exemption from Label Approval issued by the Secretary for a wine label bearing such brand name, or brand name and fanciful name, before March 10, 2006, on which such semi-generic designation appeared.

''(C) WINES TO WHICH PARAGRAPH APPLIES.—

''(i) IN GENERAL.—Except as provided in clause (ii), this paragraph shall apply to any grape wine which is designated as Burgundy, Claret, Chablis, Champagne, Chianti, Malaga, Marsala, Madeira, Moselle, Port, Retsina, Rhine Wine or Hock, Sauterne, Haut Sauterne, Sherry, or Tokay.

''(ii) EXCEPTION.—This paragraph shall not apply to wine which—

''(I) contains less than 7 percent or more than 24 percent alcohol by volume,

''(II) is intended for sale outside the United States, or

''(III) does not bear a brand name.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to wine imported or bottled in the United States on or after the date of enactment of this Act.

SEC. 423. MODIFICATION OF RAILROAD TRACK MAINTENANCE CREDIT.

(a) IN GENERAL.—Section 45G(d) (defining qualified railroad track maintenance expenditures) is amended—

(1) by inserting ''gross'' after ''means'', and

(2) by inserting ''(determined without regard to any consideration for such expenditures given by the Class II or Class III railroad which made the assignment of such track)'' after ''Class II or Class III railroad''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendment made by section 245(a) of the American Jobs Creation Act of 2004.

SEC. 424. MODIFICATION OF EXCISE TAX ON UNRELATED BUSINESS TAXABLE INCOME OF CHARITABLE REMAINDER TRUSTS.

(a) IN GENERAL.—Subsection (c) of section 664 (relating to exemption from income taxes) is amended to read as follows:

''(c) TAXATION OF TRUSTS.—

''(1) INCOME TAX.—A charitable remainder annuity trust and a charitable remainder unitrust shall, for any taxable year, not be subject to any tax imposed by this subtitle.

''(2) EXCISE TAX.—

''(A) IN GENERAL.—In the case of a charitable remainder annuity trust or a charitable remainder unitrust which has unrelated business taxable income (within the meaning of section 512, determined as if part III of subchapter F applied to such trust) for a taxable year, there is hereby imposed on such trust or unitrust an excise tax equal to the amount of such unrelated business taxable income.

''(B) CERTAIN RULES TO APPLY.—The tax imposed by subparagraph (A) shall be treated

as imposed by chapter 42 for purposes of this title other than subchapter E of chapter 42.

''(C) TAX COURT PROCEEDINGS.—For purposes of this paragraph, the references in section 6212(c)(1) to section 4940 shall be deemed to include references to this paragraph.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 425. LOANS TO QUALIFIED CONTINUING CARE FACILITIES MADE PERMANENT.

(a) IN GENERAL.—Subsection (h) of section 7872 (relating to exception for loans to qualified continuing care facilities) is amended by striking paragraph (4).

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 209 of the Tax Increase Prevention and Reconciliation Act of 2005.

SEC. 426. TECHNICAL CORRECTIONS.

(a) TECHNICAL CORRECTION RELATING TO LOOK-THROUGH TREATMENT OF PAYMENTS BETWEEN RELATED CONTROLLED FOREIGN CORPORATIONS UNDER THE FOREIGN PERSONAL HOLDING COMPANY RULES.—

(1) IN GENERAL.—

(A) The first sentence of section 954(c)(6)(A) is amended by striking ''which is not subpart F income'' and inserting ''which is neither subpart F income nor income treated as effectively connected with the conduct of a trade or business in the United States''.

(B) Section 954(c)(6)(A) is amended by striking the last sentence and inserting the following: ''The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this paragraph, including such regulations as may be necessary or appropriate to prevent the abuse of the purposes of this paragraph.''

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in section 103(b) of the Tax Increase Prevention and Reconciliation Act of 2005.

(b) TECHNICAL CORRECTION REGARDING AUTHORITY TO EXERCISE REASONABLE CAUSE AND GOOD FAITH EXCEPTION.—

(1) IN GENERAL.—Section 903(d)(2)(B)(iii) of the American Jobs Creation Act of 2004, as amended by section 303(a) of the Gulf Opportunity Zone Act of 2005, is amended by inserting ''or the Secretary's delegate'' after ''the Secretary of the Treasury''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which it relates.

DIVISION B—MEDICARE AND OTHER HEALTH PROVISIONS

SEC. 1. SHORT TITLE OF DIVISION.

This division may be cited as the ''Medicare Improvements and Extension Act of 2006''.

TITLE I—MEDICARE IMPROVED QUALITY AND PROVIDER PAYMENTS

SEC. 101. PHYSICIAN PAYMENT AND QUALITY IMPROVEMENT.

(a) ONE-YEAR INCREASE IN MEDICARE PHYSICIAN FEE SCHEDULE CONVERSION FACTOR.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w-4(d)) is amended by adding at the end the following new paragraph:

''(7) CONVERSION FACTOR FOR 2007.—

''(A) IN GENERAL.—The conversion factor that would otherwise be applicable under this subsection for 2007 shall be the amount of such conversion factor divided by the product of—

''(i) 1 plus the Secretary's estimate of the percentage increase in the MEI (as defined in section 1842(i)(3)) for 2007 (divided by 100); and

''(ii) 1 plus the Secretary's estimate of the update adjustment factor under paragraph (4)(B) for 2007.

''(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2008.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2008 as if subparagraph (A) had never applied.''.

(b) QUALITY REPORTING SYSTEM.—Section 1848 of the Social Security Act (42 U.S.C. 1395w-4) is amended by adding at the end the following new subsection:

''(k) QUALITY REPORTING SYSTEM.—

''(1) IN GENERAL.—The Secretary shall implement a system for the reporting by eligible professionals of data on quality measures specified under paragraph (2). Such data shall be submitted in a form and manner specified by the Secretary (by program instruction or otherwise), which may include submission of such data on claims under this part.

''(2) USE OF CONSENSUS-BASED QUALITY MEASURES.—

''(A) FOR 2007.—

''(i) IN GENERAL.—For purposes of applying this subsection for the reporting of data on quality measures for covered professional services furnished during the period beginning July 1, 2007, and ending December 31, 2007, the quality measures specified under this paragraph are the measures identified as 2007 physician quality measures under the Physician Voluntary Reporting Program as published on the public website of the Centers for Medicare & Medicaid Services as of the date of the enactment of this subsection, except as may be changed by the Secretary based on the results of a consensus-based process in January of 2007, if such change is published on such website by not later than April 1, 2007.

''(ii) SUBSEQUENT REFINEMENTS IN APPLICATION PERMITTED.—The Secretary may, from time to time (but not later than July 1, 2007), publish on such website (without notice or opportunity for public comment) modifications or refinements (such as code additions, corrections, or revisions) for the application of quality measures previously published under clause (i), but may not, under this clause, change the quality measures under the reporting system.

''(iii) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement by program instruction or otherwise this subsection for 2007.

''(B) FOR 2008.—

''(i) IN GENERAL.—For purposes of reporting data on quality measures for covered professional services furnished during 2008, the quality measures specified under this paragraph for covered professional services shall be measures that have been adopted or endorsed by a consensus organization (such as the National Quality Forum or AQA), that include measures that have been submitted by a physician specialty, and that the Secretary identifies as having used a consensus-based process for developing such measures. Such measures shall include structural measures, such as the use of electronic health records and electronic prescribing technology.

''(ii) PROPOSED SET OF MEASURES.—Not later than August 15, 2007, the Secretary shall publish in the Federal Register a proposed set of quality measures that the Secretary determines are described in clause (i) and would be appropriate for eligible professionals to use to submit data to the Secretary in 2008. The Secretary shall provide for a period of public comment on such set of measures.

''(iii) FINAL SET OF MEASURES.—Not later than November 15, 2007, the Secretary shall publish in the Federal Register a final set of quality measures that the Secretary determines are described in clause (i) and would be appropriate for eligible professionals to use to submit data to the Secretary in 2008.

''(3) COVERED PROFESSIONAL SERVICES AND ELIGIBLE PROFESSIONALS DEFINED.—For purposes of this subsection:

''(A) COVERED PROFESSIONAL SERVICES.—The term 'covered professional services' means services for which payment is made under, or is based on, the fee schedule established under this section and which are furnished by an eligible professional.

''(B) ELIGIBLE PROFESSIONAL.—The term 'eligible professional' means any of the following:

''(i) A physician.

''(ii) A practitioner described in section 1842(b)(18)(C).

''(iii) A physical or occupational therapist or a qualified speech-language pathologist.

''(4) USE OF REGISTRY-BASED REPORTING.—As part of the publication of proposed and final quality measures for 2008 under clauses (ii) and (iii) of paragraph (2)(B), the Secretary shall address a mechanism whereby an eligible professional may provide data on quality measures through an appropriate medical registry (such as the Society of Thoracic Surgeons National Database), as identified by the Secretary.

''(5) IDENTIFICATION UNITS.—For purposes of applying this subsection, the Secretary may identify eligible professionals through billing units, which may include the use of the Provider Identification Number, the unique physician identification number (described in section 1833(q)(1)), the taxpayer identification number, or the National Provider Identifier. For purposes of applying this subsection for 2007, the Secretary shall use the taxpayer identification number as the billing unit.

''(6) EDUCATION AND OUTREACH.—The Secretary shall provide for education and outreach to eligible professionals on the operation of this subsection.

''(7) LIMITATIONS ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise, of the development and implementation of the reporting system under paragraph (1), including identification of quality measures under paragraph (2) and the application of paragraphs (4) and (5).

''(8) IMPLEMENTATION.—The Secretary shall carry out this subsection acting through the Administrator of the Centers for Medicare & Medicaid Services.''.

(c) TRANSITIONAL BONUS INCENTIVE PAYMENTS FOR QUALITY REPORTING IN 2007.—

(1) IN GENERAL.—With respect to covered professional services furnished during a reporting period (as defined in paragraph (6)(C)) by an eligible professional, if—

(A) there are any quality measures that have been established under the physician reporting system that are applicable to any such services furnished by such professional for such period, and

(B) the eligible professional satisfactorily submits (as determined under paragraph (2)) to the Secretary data on such quality measures in accordance with such reporting system for such reporting period,

in addition to the amount otherwise paid under part B of title XVIII of the Social Security Act, subject to paragraph (3), there also shall be paid to the eligible professional (or to an employer or facility in the cases described in clause (A) of section 1842(b)(6) of the Social Security Act (42 U.S.C. 1395u(b)(6))) from the Federal Supplementary Medical Insurance Trust Fund established under section 1841 of such Act (42 U.S.C. 1395t) an amount equal to 1.5 percent of the Secretary's estimate (based on claims submitted not later than two months after the

end of the reporting period) of the allowed charges under such part for all such covered professional services furnished during the reporting period.

(2) SATISFACTORY REPORTING DESCRIBED.—For purposes of paragraph (1), an eligible professional shall be treated as satisfactorily submitting data on quality measures for covered professional services for a reporting period if quality measures have been reported as follows:

(A) THREE OR FEWER QUALITY MEASURES APPLICABLE.—If there are no more than 3 quality measures that are provided under the physician reporting system and that are applicable to such services of such professional furnished during the period, each such quality measure has been reported under such system in at least 80 percent of the cases in which such measure is reportable under the system.

(B) FOUR OR MORE QUALITY MEASURES APPLICABLE.—If there are 4 or more quality measures that are provided under the physician reporting system and that are applicable to such services of such professional furnished during the period, at least 3 such quality measures have been reported under such system in at least 80 percent of the cases in which the respective measure is reportable under the system.

(3) PAYMENT LIMITATION.—

(A) IN GENERAL.—In no case shall the total payment made under this subsection to an eligible professional (or to an employer or facility in the cases described in clause (A) of section 1842(b)(6) of the Social Security Act) exceed the product of—

(i) the total number of quality measures for which data are submitted under the physician reporting system for covered professional services of such professional that are furnished during the reporting period; and

(ii) 300 percent of the average per measure payment amount specified in subparagraph (B).

(B) AVERAGE PER MEASURE PAYMENT AMOUNT SPECIFIED.—The average per measure payment amount specified in this subparagraph is an amount, estimated by the Secretary (based on claims submitted not later than two months after the end of the reporting period), equal to—

(i) the total of the amount of allowed charges under part B of title XVIII of the Social Security Act for all covered professional services furnished during the reporting period on claims for which quality measures are reported under the physician reporting system; divided by

(ii) the total number of quality measures for which data are reported under such system for covered professional services furnished during the reporting period.

(4) FORM OF PAYMENT.—The payment under this subsection shall be in the form of a single consolidated payment.

(5) APPLICATION.—

(A) PHYSICIAN REPORTING SYSTEM RULES.—Paragraphs (5), (6), and (8) of section 1848(k) of the Social Security Act, as added by subsection (b), shall apply for purposes of this subsection in the same manner as they apply for purposes of such section.

(B) COORDINATION WITH OTHER BONUS PAYMENTS.—The provisions of this subsection shall not be taken into account in applying subsections (m) and (u) of section 1833 of the Social Security Act (42 U.S.C. 1395l) and any payment under such subsections shall not be taken into account in computing allowable charges under this subsection.

(C) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement by program instruction or otherwise this subsection.

(D) VALIDATION.—

(i) IN GENERAL.—Subject to the succeeding provisions of this subparagraph, for purposes of determining whether a measure is applicable to the covered professional services of an eligible professional under paragraph (2), the Secretary shall presume that if an eligible professional submits data for a measure, such measure is applicable to such professional.

(ii) METHOD.— The Secretary shall validate (by sampling or other means as the Secretary determines to be appropriate) whether measures applicable to covered professional services of an eligible professional have been reported.

(iii) DENIAL OF PAYMENT AUTHORITY.—If the Secretary determines that an eligible professional has not reported measures applicable to covered professional services of such professional, the Secretary shall not pay the bonus incentive payment.

(E) LIMITATIONS ON REVIEW.—

(i) IN GENERAL.—There shall be no administrative or judicial review under section 1869 or 1878 of the Social Security Act or otherwise of—

(I) the determination of measures applicable to services furnished by eligible professionals under this subsection;

(II) the determination of satisfactory reporting under paragraph (2);

(III) the determination of the payment limitation under paragraph (3); and

(IV) the determination of the bonus incentive payment under this subsection.

(ii) TREATMENT OF DETERMINATIONS.—A determination under this subsection shall not be treated as a determination for purposes of section 1869 of the Social Security Act.

(6) DEFINITIONS.—For purposes of this subsection:

(A) ELIGIBLE PROFESSIONAL; COVERED PROFESSIONAL SERVICES.—The terms ''eligible professional'' and ''covered professional services'' have the meanings given such terms in section 1848(k)(3) of the Social Security Act, as added by subsection (b).

(B) PHYSICIAN REPORTING SYSTEM.—The term ''physician reporting system'' means the system established under section 1848(k) of the Social Security Act, as added by subsection (b).

(C) REPORTING PERIOD.—The term ''reporting period'' means the period beginning on July 1, 2007, and ending on December 31, 2007.

(D) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(d) PHYSICIAN ASSISTANCE AND QUALITY INITIATIVE FUND.—Section 1848 of the Social Security Act, as amended by subsection (b), is further amended by adding at the end the following new subsection:

''(l) PHYSICIAN ASSISTANCE AND QUALITY INITIATIVE FUND.—

''(1) ESTABLISHMENT.—The Secretary shall establish under this subsection a Physician Assistance and Quality Initiative Fund (in this subsection referred to as the 'Fund') which shall be available to the Secretary for physician payment and quality improvement initiatives, which may include application of an adjustment to the update of the conversion factor under subsection (d).

''(2) FUNDING.—

''(A) AMOUNT AVAILABLE.—There shall be available to the Fund for expenditures an amount equal to $1,350,000,000.

''(B) TIMELY OBLIGATION OF ALL AVAILABLE FUNDS FOR SERVICES FURNISHED DURING 2008.—The Secretary shall provide for expenditures from the Fund in a manner designed to provide (to the maximum extent feasible) for the obligation of the entire amount specified in subparagraph (A) for payment with respect to physicians' services furnished during 2008.

''(C) PAYMENT FROM TRUST FUND.—The amount specified in subparagraph (A) shall be available to the Fund, as expenditures are made from the Fund, from the Federal Supplementary Medical Insurance Trust Fund under section 1841.

''(D) FUNDING LIMITATION.—Amounts in the Fund shall be available in advance of appropriations in accordance with subparagraph (B) but only if the total amount obligated from the Fund does not exceed the amount available to the Fund under subparagraph (A). The Secretary may obligate funds from the Fund only if the Secretary determines (and the Chief Actuary of the Centers for Medicare & Medicaid Services and the appropriate budget officer certify) that there are available in the Fund sufficient amounts to cover all such obligations incurred consistent with the previous sentence.

''(E) CONSTRUCTION.—In the case that expenditures from the Fund are applied to, or otherwise affect, a conversion factor under subsection (d) for a year, the conversion factor under such subsection shall be computed for a subsequent year as if such application or effect had never occurred.''.

(e) IMPLEMENTATION.—For purposes of implementing the provisions of, and amendments made by, this section, the Secretary of Health and Human Services shall provide for the transfer, from the Federal Supplementary Medical Insurance Trust Fund established under section 1841 of the Social Security Act (42 U.S.C. 1395t), of $60,000,000 to the Centers for Medicare & Medicaid Services Program Management Account for the period of fiscal years 2007, 2008, and 2009.

SEC. 102. EXTENSION OF FLOOR ON MEDICARE WORK GEOGRAPHIC ADJUSTMENT.

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)(E)) is amended by striking ''before January 1, 2007'' and inserting ''before January 1, 2008''.

SEC. 103. UPDATE TO THE COMPOSITE RATE COMPONENT OF THE BASIC CASE-MIX ADJUSTED PROSPECTIVE PAYMENT SYSTEM FOR DIALYSIS SERVICES.

(a) IN GENERAL.—Section 1881(b)(12)(G) of the Social Security Act (42 U.S.C. 1395rr(b)(12)(G)) is amended to read as follows:

''(G) The Secretary shall increase the amount of the composite rate component of the basic case-mix adjusted system under subparagraph (B) for dialysis services—

''(i) furnished on or after January 1, 2006, and before April 1, 2007, by 1.6 percent above the amount of such composite rate component for such services furnished on December 31, 2005; and

''(ii) furnished on or after April 1, 2007, by 1.6 percent above the amount of such composite rate component for such services furnished on March 31, 2007.''.

(b) GAO REPORT ON HOME DIALYSIS PAYMENT.—Not later than January 1, 2009, the Comptroller General of the United States shall submit to Congress a report on the costs for home hemodialysis treatment and patient training for both home hemodialysis and peritoneal dialysis. Such report shall also include recommendations for a payment methodology for payment under section 1881 of the Social Security Act (42 U.S.C. 1395rr) that measures, and is based on, the costs of providing such services and takes into account the case mix of patients.

SEC. 104. EXTENSION OF TREATMENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES UNDER MEDICARE.

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106–554), as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173), is

amended by striking ''and 2006'' and inserting '', 2006, and 2007''.

SEC. 105. EXTENSION OF MEDICARE REASONABLE COSTS PAYMENTS FOR CERTAIN CLINICAL DIAGNOSTIC LABORATORY TESTS FURNISHED TO HOSPITAL PATIENTS IN CERTAIN RURAL AREAS.

Effective as if included in the enactment of section 416 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395l–4), subsection (b) of such section is amended by striking ''2-year period'' and inserting ''3-year period''.

SEC. 106. HOSPITAL MEDICARE REPORTS AND CLARIFICATIONS.

(a) CORRECTION OF MID-YEAR RECLASSIFICATION EXPIRATION.—Notwithstanding any other provision of law, in the case of a subsection (d) hospital (as defined for purposes of section 1886 of the Social Security Act (42 U.S.C. 1395ww)) with respect to which a reclassification of its wage index for purposes of such section would (but for this subsection) expire on March 31, 2007, such reclassification of such hospital shall be extended through September 30, 2007. The previous sentence shall not be effected in a budget-neutral manner.

(b) REVISION OF THE MEDICARE WAGE INDEX CLASSIFICATION SYSTEM.—

(1) MEDPAC REPORT.—

(A) IN GENERAL.—The Medicare Payment Advisory Commission shall submit to Congress, by not later than June 30, 2007, a report on its study of the wage index classification system applied under Medicare prospective payment systems, including under section 1886(d)(3)(E) of the Social Security Act (42 U.S.C. 1395ww(d)(3)(E)). Such report shall include any alternatives the Commission recommends to the method to compute the wage index under such section.

(B) FUNDING.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Medicare Payment Advisory Commission, $2,000,000 for fiscal year 2007 to carry out this paragraph.

(2) PROPOSAL TO REVISE THE HOSPITAL WAGE INDEX CLASSIFICATION SYSTEM.— The Secretary of Health and Human Services, taking into account the recommendations described in the report under paragraph (1), shall include in the proposed rule published under section 1886(e)(5)(A) of the Social Security Act (42 U.S.C. 1395ww(e)(5)(A)) for fiscal year 2009 one or more proposals to revise the wage index adjustment applied under section 1886(d)(3)(E) of such Act (42 U.S.C. 1395ww(d)(3)(E)) for purposes of the Medicare prospective payment system for inpatient hospital services. Such proposal (or proposals) shall consider each of the following:

(A) Problems associated with the definition of labor markets for purposes of such wage index adjustment.

(B) The modification or elimination of geographic reclassifications and other adjustments.

(C) The use of Bureau of Labor Statistics data, or other data or methodologies, to calculate relative wages for each geographic area involved.

(D) Minimizing variations in wage index adjustments between and within Metropolitan Statistical Areas and Statewide rural areas.

(E) The feasibility of applying all components of the proposal to other settings, including home health agencies and skilled nursing facilities.

(F) Methods to minimize the volatility of wage index adjustments, while maintaining the principle of budget neutrality in applying such adjustments.

(G) The effect that the implementation of the proposal would have on health care providers and on each region of the country.

(H) Methods for implementing the proposal, including methods to phase-in such implementation.

(I) Issues relating to occupational mix, such as staffing practices and any evidence on the effect on quality of care and patient safety and any recommendations for alternative calculations.

(c) ELIMINATION OF UNNECESSARY REPORT.— Section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended—

(1) in subsection (d)(4)(C), by striking clause (iv); and

(2) in subsection (e), by striking paragraph (3).

SEC. 107. PAYMENT FOR BRACHYTHERAPY.

(a) EXTENSION OF PAYMENT RULE.—Section 1833(t)(16)(C) of the Social Security Act (42 U.S.C. 1395l(t)(16)(C)) is amended by striking ''January 1, 2007'' and inserting ''January 1, 2008''.

(b) ESTABLISHMENT OF SEPARATE PAYMENT GROUPS.—

(1) IN GENERAL.—Section 1833(t)(2)(H) of such Act (42 U.S.C. 1395l(t)(2)(H)) is amended by inserting ''and for stranded and non-stranded devices furnished on or after July 1, 2007'' before the period at the end.

(2) IMPLEMENTATION.—The Secretary of Health and Human Services may implement the amendment made by paragraph (1) by program instruction or otherwise.

SEC. 108. PAYMENT PROCESS UNDER THE COMPETITIVE ACQUISITION PROGRAM (CAP).

(a) IN GENERAL.—Section 1847B(a)(3) of the Social Security Act (42 U.S.C. 1395w-3b(a)(3)) is amended—

(1) in subparagraph (A)(iii), by striking ''and biologicals'' and all that follows and inserting ''and biologicals shall be made only to such contractor upon receipt of a claim for a drug or biological supplied by the contractor for administration to a beneficiary.''; and

(2) by adding at the end the following new subparagraph:

''(D) POST-PAYMENT REVIEW PROCESS.—The Secretary shall establish (by program instruction or otherwise) a post-payment review process (which may include the use of statistical sampling) to assure that payment is made for a drug or biological under this section only if the drug or biological has been administered to a beneficiary. The Secretary shall recoup, offset, or collect any overpayments determined by the Secretary under such process.''.

(b) CONSTRUCTION.—Nothing in this section shall be construed as—

(1) requiring the conduct of any additional competition under subsection (b)(1) of section 1847B of the Social Security Act (42 U.S.C. 1395w–3b); or

(2) requiring any additional process for elections by physicians under subsection (a)(1)(A)(ii) of such section or additional selection by a selecting physician of a contractor under subsection (a)(5) of such section.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to payment for drugs and biologicals supplied under section 1847B of the Social Security Act (42 U.S.C. 1395w–3b)—

(1) on or after April 1, 2007; and

(2) on or after July 1, 2006, and before April 1, 2007, for claims that are unpaid as of April 1, 2007.

SEC. 109. QUALITY REPORTING FOR HOSPITAL OUTPATIENT SERVICES AND AMBULATORY SURGICAL CENTER SERVICES.

(a) OUTPATIENT HOSPITAL SERVICES.—

(1) IN GENERAL.—Section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)) is amended—

(A) in paragraph (3)(C)(iv), by inserting ''subject to paragraph (17),'' after ''For purposes of this subparagraph,''; and

(B) by adding at the end the following new paragraph:

''(17) QUALITY REPORTING.—

''(A) REDUCTION IN UPDATE FOR FAILURE TO REPORT.—

''(i) IN GENERAL.—For purposes of paragraph (3)(C)(iv) for 2009 and each subsequent year, in the case of a subsection (d) hospital (as defined in section 1886(d)(1)(B)) that does not submit, to the Secretary in accordance with this paragraph, data required to be submitted on measures selected under this paragraph with respect to such a year, the OPD fee schedule increase factor under paragraph (3)(C)(iv) for such year shall be reduced by 2.0 percentage points.

''(ii) NON-CUMULATIVE APPLICATION.—A reduction under this subparagraph shall apply only with respect to the year involved and the Secretary shall not take into account such reduction in computing the OPD fee schedule increase factor for a subsequent year.

''(B) FORM AND MANNER OF SUBMISSION.— Each subsection (d) hospital shall submit data on measures selected under this paragraph to the Secretary in a form and manner, and at a time, specified by the Secretary for purposes of this paragraph.

''(C) DEVELOPMENT OF OUTPATIENT MEASURES.—

''(i) IN GENERAL.—The Secretary shall develop measures that the Secretary determines to be appropriate for the measurement of the quality of care (including medication errors) furnished by hospitals in outpatient settings and that reflect consensus among affected parties and, to the extent feasible and practicable, shall include measures set forth by one or more national consensus building entities.

''(ii) CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing the Secretary from selecting measures that are the same as (or a subset of) the measures for which data are required to be submitted under section 1886(b)(3)(B)(viii).

''(D) REPLACEMENT OF MEASURES.—For purposes of this paragraph, the Secretary may replace any measures or indicators in appropriate cases, such as where all hospitals are effectively in compliance or the measures or indicators have been subsequently shown not to represent the best clinical practice.

''(E) AVAILABILITY OF DATA.—The Secretary shall establish procedures for making data submitted under this paragraph available to the public. Such procedures shall ensure that a hospital has the opportunity to review the data that are to be made public with respect to the hospital prior to such data being made public. The Secretary shall report quality measures of process, structure, outcome, patients' perspectives on care, efficiency, and costs of care that relate to services furnished in outpatient settings in hospitals on the Internet website of the Centers for Medicare & Medicaid Services.''.

(2) CONFORMING AMENDMENT.—Section 1886(b)(3)(B)(viii)(III) of such Act (42 U.S.C. 1395ww(b)(3)(B)(viii)(III)) is amended by inserting ''(including medication errors)'' after ''quality of care''.

(b) APPLICATION TO AMBULATORY SURGICAL CENTERS.—Section 1833(i) of such Act (42 U.S.C. 1935l(i)) is amended—

(1) in paragraph (2)(D), by redesignating clause (iv) as clause (v) and by inserting after clause (iii) the following new clause:

''(iv) The Secretary may implement such system in a manner so as to provide for a reduction in any annual update for failure to report on quality measures in accordance with paragraph (7).''; and

(2) by adding at the end the following new paragraph:

''(7)(A) For purposes of paragraph (2)(D)(iv), the Secretary may provide, in the case of an ambulatory surgical center that does not submit, to the Secretary in accordance with this paragraph, data required to be submitted on measures selected under this paragraph with respect to a year, any annual increase provided under the system established under paragraph (2)(D) for such year shall be reduced by 2.0 percentage points. A reduction under this subparagraph shall apply only with respect to the year involved and the Secretary shall not take into account such reduction in computing any annual increase factor for a subsequent year.

''(B) Except as the Secretary may otherwise provide, the provisions of subparagraphs (B), (C), (D), and (E) of paragraph (17) of section 1833(t) shall apply with respect to services of ambulatory surgical centers under this paragraph in a similar manner to the manner in which they apply under such paragraph and, for purposes of this subparagraph, any reference to a hospital, outpatient setting, or outpatient hospital services is deemed a reference to an ambulatory surgical center, the setting of such a center, or services of such a center, respectively.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payment for services furnished on or after January 1, 2009.

SEC. 110. REPORTING OF ANEMIA QUALITY INDICATORS FOR MEDICARE PART B CANCER ANTI-ANEMIA DRUGS.

(a) IN GENERAL.—Section 1842 of the Social Security Act (42 U.S.C. 1395u) is amended by adding at the end the following new subsection:

''(u) Each request for payment, or bill submitted, for a drug furnished to an individual for the treatment of anemia in connection with the treatment of cancer shall include (in a form and manner specified by the Secretary) information on the hemoglobin or hematocrit levels for the individual.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to drugs furnished on or after January 1, 2008. The Secretary of Health and Human Services shall address the implementation of such amendment in the rulemaking process under section 1848 of the Social Security Act (42 U.S.C. 1395w–4) for payment for physicians' services for 2008, consistent with the previous sentence.

SEC. 111. CLARIFICATION OF HOSPICE SATELLITE DESIGNATION.

Notwithstanding any other provision of law, for purposes of calculating the hospice aggregate payment cap for 2004, 2005, and 2006 for a hospice program under section 1814(i)(2)(A) of the Social Security Act (42 U.S.C. 1395f(i)(2)(A)) for hospice care provided on or after November 1, 2003, and before December 27, 2005, Medicare provider number 29–1511 is deemed to be a multiple location of Medicare provider number 29–1500.

TITLE II—MEDICARE BENEFICIARY PROTECTIONS

SEC. 201. EXTENSION OF EXCEPTIONS PROCESS FOR MEDICARE THERAPY CAPS.

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by striking ''2006'' and inserting ''the period beginning on January 1, 2006, and ending on December 31, 2007,''.

SEC. 202. PAYMENT FOR ADMINISTRATION OF PART D VACCINES.

(a) TRANSITION FOR 2007.—Notwithstanding any other provision of law, in the case of a vaccine that is a covered part D drug under section 1860D–2(e) of the Social Security Act (42 U.S.C. 1395w–102(e)) and that is administered during 2007, the administration of such vaccine shall be paid under part B of title XVIII of such Act as if it were the administration of a vaccine described in section 1861(s)(10)(B) of such Act (42 U.S.C. 1395w(s)(10)(B)).

(b) ADMINISTRATION INCLUDED IN COVERAGE OF COVERED PART D DRUGS BEGINNING IN 2008.—Section 1860D–2(e)(1) of the Social Security Act (42 U.S.C. 1395w–102(e)(1)) is amended, in the matter following subparagraph (B), by inserting ''(and, for vaccines administered on or after January 1, 2008, its administration)'' after ''Public Health Service Act''.

SEC. 203. OIG STUDY OF NEVER EVENTS.

(a) STUDY.—

(1) IN GENERAL.—The Inspector General in the Department of Health and Human Services shall conduct a study on—

(A) incidences of never events for Medicare beneficiaries, including types of such events and payments by any party for such events;

(B) the extent to which the Medicare program paid, denied payment, or recouped payment for services furnished in connection with such events and the extent to which beneficiaries paid for such services; and

(C) the administrative processes of the Centers for Medicare & Medicaid Services to detect such events and to deny or recoup payments for services furnished in connection with such an event.

(2) CONDUCT OF STUDY.—In conducting the study under paragraph (1), the Inspector General—

(A) shall audit a representative sample of claims and medical records of Medicare beneficiaries to identify never events and any payment (or recoupment) for services furnished in connection with such events;

(B) may request access to such claims and records from any Medicare contractor; and

(C) shall not release individually identifiable information or facility-specific information.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Inspector General shall submit a report to Congress on the study conducted under this section. Such report shall include recommendations for such legislation and administrative action, such as a noncoverage policy or denial of payments, as the Inspector General determines appropriate, including—

(1) recommendations on processes to identify never events and to deny or recoup payments for services furnished in connection with such events; and

(2) a recommendation on a potential process (or processes) for public disclosure of never events which—

(A) will ensure protection of patient privacy; and

(B) will permit the use of the disclosed information for a root cause analysis to inform the public and the medical community about safety issues involved.

(c) FUNDING.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Inspector General of the Department of Health and Human Services $3,000,000 to carry out this section, to be available until January 1, 2010.

(d) NEVER EVENTS DEFINED.—For purposes of this section, the term ''never event'' means an event that is listed and endorsed as a serious reportable event by the National Quality Forum as of November 16, 2006.

SEC. 204. MEDICARE MEDICAL HOME DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall establish under title XVIII of the Social Security Act a medical home demonstration project (in this section referred to as the ''project'') to redesign the health care delivery system to provide targeted, accessible, continuous and coordinated, family-centered care to high-need populations and under which—

(1) care management fees are paid to persons performing services as personal physicians; and

(2) incentive payments are paid to physicians participating in practices that provide services as a medical home under subsection (d).

For purposes of this subsection, the term ''high-need population'' means individuals with multiple chronic illnesses that require regular medical monitoring, advising, or treatment.

(b) DETAILS.—

(1) DURATION; SCOPE.—The project shall operate during a period of three years and shall include urban, rural, and underserved areas in a total of no more than 8 States.

(2) ENCOURAGING PARTICIPATION OF SMALL PHYSICIAN PRACTICES.—The project shall be designed to include the participation of physicians in practices with fewer than three full-time equivalent physicians, as well as physicians in larger practices particularly in rural and underserved areas.

(c) PERSONAL PHYSICIAN DEFINED.—

(1) IN GENERAL.—For purposes of this section, the term ''personal physician'' means a physician (as defined in section 1861(r)(1) of the Social Security Act (42 U.S.C. 1395x(r)(1)) who—

(A) meets the requirements described in paragraph (2); and

(B) performs the services described in paragraph (3).

Nothing in this paragraph shall be construed as preventing such a physician from being a specialist or subspecialist for an individual requiring ongoing care for a specific chronic condition or multiple chronic conditions (such as severe asthma, complex diabetes, cardiovascular disease, rheumatologic disorder) or for an individual with a prolonged illness.

(2) REQUIREMENTS.—The requirements described in this paragraph for a personal physician are as follows:

(A) The physician is a board certified physician who provides first contact and continuous care for individuals under the physician's care.

(B) The physician has the staff and resources to manage the comprehensive and coordinated health care of each such individual.

(3) SERVICES PERFORMED.—A personal physician shall perform or provide for the performance of at least the following services:

(A) Advocates for and provides ongoing support, oversight, and guidance to implement a plan of care that provides an integrated, coherent, cross-discipline plan for ongoing medical care developed in partnership with patients and including all other physicians furnishing care to the patient involved and other appropriate medical personnel or agencies (such as home health agencies).

(B) Uses evidence-based medicine and clinical decision support tools to guide decision-making at the point-of-care based on patient-specific factors.

(C) Uses health information technology, that may include remote monitoring and patient registries, to monitor and track the health status of patients and to provide patients with enhanced and convenient access to health care services.

(D) Encourages patients to engage in the management of their own health through education and support systems.

(d) MEDICAL HOME DEFINED.—For purposes of this section, the term ''medical home'' means a physician practice that—

(1) is in charge of targeting beneficiaries for participation in the project; and

(2) is responsible for—

(A) providing safe and secure technology to promote patient access to personal health information;

(B) developing a health assessment tool for the individuals targeted; and

(C) providing training programs for personnel involved in the coordination of care.

(e) PAYMENT MECHANISMS.—

(1) PERSONAL PHYSICIAN CARE MANAGEMENT FEE.—Under the project, the Secretary shall provide for payment under section 1848 of the Social Security Act (42 U.S.C. 1395w–4) of a care management fee to personal physicians providing care management under the project. Under such section and using the relative value scale update committee (RUC) process under such section, the Secretary shall develop a care management fee code for such payments and a value for such code.

(2) MEDICAL HOME SHARING IN SAVINGS.—The Secretary shall provide for payment under the project of a medical home based on the payment methodology applied to physician group practices under section 1866A of the Social Security Act (42 U.S.C. 1395cc–1). Under such methodology, 80 percent of the reductions in expenditures under title XVIII of the Social Security Act resulting from participation of individuals that are attributable to the medical home (as reduced by the total care managements fees paid to the medical home under the project) shall be paid to the medical home. The amount of such reductions in expenditures shall be determined by using assumptions with respect to reductions in the occurrence of health complications, hospitalization rates, medical errors, and adverse drug reactions.

(3) SOURCE.—Payments paid under the project shall be made from the Federal Supplementary Medical Insurance Trust Fund under section 1841 of the Social Security Act (42 U.S.C. 1395t).

(f) EVALUATIONS AND REPORTS.—

(1) ANNUAL INTERIM EVALUATIONS AND REPORTS.—For each year of the project, the Secretary shall provide for an evaluation of the project and shall submit to Congress, by a date specified by the Secretary, a report on the project and on the evaluation of the project for each such year.

(2) FINAL EVALUATION AND REPORT.—The Secretary shall provide for an evaluation of the project and shall submit to Congress, not later than one year after completion of the project, a report on the project and on the evaluation of the project.

SEC. 205. MEDICARE DRA TECHNICAL CORRECTIONS.

(a) PACE CLARIFICATION.—Paragraph (7) of section 5302(c) of the Deficit Reduction Act of 2005 (42 U.S.C. 1395eee note) is amended to read as follows:

''(7) APPROPRIATION.—

''(A) IN GENERAL.—Out of funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary $10,000,000 to carry out this subsection for the period of fiscal years 2006 through 2010.

''(B) AVAILABILITY.—Funds appropriated under subparagraph (A) shall remain available for obligation through fiscal year 2010.''.

(b) MISCELLANEOUS TECHNICAL CORRECTIONS.—

(1) CORRECTION OF MARGIN (SECTION 5001).—Section 1886(b)(3)(B) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)), as amended by section 5001(a) of the Deficit Reduction Act of 2005 (Public Law 109–171), is amended by moving clause (viii) (including subclauses (I) through (VII) of such clause) 6 ems to the left.

(2) REFERENCE CORRECTION (SECTION 5114).—Section 5114(a)(2) of the Deficit Reduction Act of 2005 (Public Law 109–171), in the matter preceding subparagraph (A), is amended by striking ''1842(b)(6)(F) of such Act (42 U.S.C. 1395u(b)(6)(F))'' and inserting ''1842(b)(6) of such Act (42 U.S.C. 1395u(b)(6))''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Deficit Reduction Act of 2005 (Public Law 109–171).

SEC. 206. LIMITED CONTINUOUS OPEN ENROLLMENT OF ORIGINAL MEDICARE FEE-FOR-SERVICE ENROLLEES INTO MEDICARE ADVANTAGE NON-PRESCRIPTION DRUG PLANS.

(a) IN GENERAL.—Section 1851(e)(2) of the Social Security Act (42 U.S.C. 1395w–21(e)(2)) is amended by adding at the end the following new subparagraph:

''(E) LIMITED CONTINUOUS OPEN ENROLLMENT OF ORIGINAL FEE-FOR-SERVICE ENROLLEES IN MEDICARE ADVANTAGE NON-PRESCRIPTION DRUG PLANS.—

''(i) IN GENERAL.—On any date during 2007 or 2008 on which a Medicare Advantage eligible individual is an unenrolled fee-for-service individual (as defined in clause (ii)), the individual may elect under subsection (a)(1) to enroll in a Medicare Advantage plan that is not an MA–PD plan.

''(ii) UNENROLLED FEE-FOR-SERVICE INDIVIDUAL DEFINED.—In this subparagraph, the term 'unenrolled fee-for-service individual' means, with respect to a date, a Medicare Advantage eligible individual who—

''(I) is receiving benefits under this title through enrollment in the original medicare fee-for-service program under parts A and B;

''(II) is not enrolled in an MA plan on such date; and

''(III) as of such date is not otherwise eligible to elect to enroll in an MA plan.

''(iii) LIMITATION OF ONE CHANGE DURING YEAR.—An individual may exercise the right under clause (i) only once during the year.

''(iv) NO EFFECT ON COVERAGE UNDER A PRESCRIPTION DRUG PLAN.—Nothing in this subparagraph shall be construed as permitting an individual exercising the right under clause (i)—

''(I) who is enrolled in a prescription drug plan under part D, to disenroll from such plan or to enroll in a different prescription drug plan; or

''(II) who is not enrolled in a prescription drug plan, to enroll in such a plan.''.

(b) CONFORMING AMENDMENT.—Section 1860D–1(b)(1)(B)(iii) of the Social Security Act (42 U.S.C. 1395w–101(b)(1)(B)(iii)) is amended by striking ''subparagraphs (B) and (C)'' and inserting ''subparagraphs (B), (C), and (E)''.

TITLE III—MEDICARE PROGRAM INTEGRITY EFFORTS

SEC. 301. OFFSETTING ADJUSTMENT IN MEDICARE ADVANTAGE STABILIZATION FUND.

Section 1858(e)(2)(A)(i) of the Social Security Act (42 U.S.C. 1395w–27a(e)(2)(A)(i)) is amended by striking ''2007,'' and ''$10,000,000,000'' and inserting ''2012,'' and ''$3,500,000,000'', respectively.

SEC. 302. EXTENSION AND EXPANSION OF RECOVERY AUDIT CONTRACTOR PROGRAM UNDER THE MEDICARE INTEGRITY PROGRAM.

(a) IN GENERAL.—Section 1893 of the Social Security Act (42 U.S.C. 1395ddd) is amended by adding at the end the following new subsection:

''(h) USE OF RECOVERY AUDIT CONTRACTORS.—

''(1) IN GENERAL.—Under the Program, the Secretary shall enter into contracts with recovery audit contractors in accordance with this subsection for the purpose of identifying underpayments and overpayments and recouping overpayments under this title with respect to all services for which payment is made under part A or B. Under the contracts—

''(A) payment shall be made to such a contractor only from amounts recovered;

''(B) from such amounts recovered, payment—

''(i) shall be made on a contingent basis for collecting overpayments; and

''(ii) may be made in such amounts as the Secretary may specify for identifying underpayments; and

''(C) the Secretary shall retain a portion of the amounts recovered which shall be available to the program management account of the Centers for Medicare & Medicaid Services for purposes of activities conducted under the recovery audit program under this subsection.

''(2) DISPOSITION OF REMAINING RECOVERIES.—The amounts recovered under such contracts that are not paid to the contractor under paragraph (1) or retained by the Secretary under paragraph (1)(C) shall be applied to reduce expenditures under parts A and B.

''(3) NATIONWIDE COVERAGE.—The Secretary shall enter into contracts under paragraph (1) in a manner so as to provide for activities in all States under such a contract by not later than January 1, 2010.

''(4) AUDIT AND RECOVERY PERIODS.—Each such contract shall provide that audit and recovery activities may be conducted during a fiscal year with respect to payments made under part A or B—

''(A) during such fiscal year; and

''(B) retrospectively (for a period of not more than 4 fiscal years prior to such fiscal year).

''(5) WAIVER.—The Secretary shall waive such provisions of this title as may be necessary to provide for payment of recovery audit contractors under this subsection in accordance with paragraph (1).

''(6) QUALIFICATIONS OF CONTRACTORS.—

''(A) IN GENERAL.—The Secretary may not enter into a contract under paragraph (1) with a recovery audit contractor unless the contractor has staff that has the appropriate clinical knowledge of, and experience with, the payment rules and regulations under this title or the contractor has, or will contract with, another entity that has such knowledgeable and experienced staff.

''(B) INELIGIBILITY OF CERTAIN CONTRACTORS.—The Secretary may not enter into a contract under paragraph (1) with a recovery audit contractor to the extent the contractor is a fiscal intermediary under section 1816, a carrier under section 1842, or a medicare administrative contractor under section 1874A.

''(C) PREFERENCE FOR ENTITIES WITH DEMONSTRATED PROFICIENCY.—In awarding contracts to recovery audit contractors under paragraph (1), the Secretary shall give preference to those risk entities that the Secretary determines have demonstrated more than 3 years direct management experience and a proficiency for cost control or recovery audits with private insurers, health care providers, health plans, under the Medicaid program under title XIX, or under this title.

''(7) CONSTRUCTION RELATING TO CONDUCT OF INVESTIGATION OF FRAUD.—A recovery of an overpayment to a individual or entity by a recovery audit contractor under this subsection shall not be construed to prohibit the Secretary or the Attorney General from investigating and prosecuting, if appropriate, allegations of fraud or abuse arising from such overpayment.

''(8) ANNUAL REPORT.—The Secretary shall annually submit to Congress a report on the use of recovery audit contractors under this subsection. Each such report shall include information on the performance of such contractors in identifying underpayments and overpayments and recouping overpayments, including an evaluation of the comparative

performance of such contractors and savings to the program under this title.''.

(b) ACCESS TO COORDINATION OF BENEFITS CONTRACTOR DATABASE.—The Secretary of Health and Human Services shall provide for access by recovery audit contractors conducting audit and recovery activities under section 1893(h) of the Social Security Act, as added by subsection (a), to the database of the Coordination of Benefits Contractor of the Centers for Medicare & Medicaid Services with respect to the audit and recovery periods described in paragraph (4) of such section 1893(h).

(c) CONFORMING AMENDMENTS TO CURRENT DEMONSTRATION PROJECT.—Section 306 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2256) is amended—

(1) in subsection (b)(2), by striking ''last for not longer than 3 years'' and inserting ''continue until contracts are entered into under section 1893(h) of the Social Security Act''; and

(2) by striking subsection (f).

SEC. 303. FUNDING FOR THE HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT.

(a) DEPARTMENTS OF HEALTH AND HUMAN SERVICES AND JUSTICE.—

(1) IN GENERAL.—Section 1817(k)(3)(A)(i) of the Social Security Act (42 U.S.C. 1395i(k)(3)(A)(i)) is amended—

(A) in the matter preceding subclause (I), by inserting ''until expended'' after ''without further appropriation'';

(B) in subclause (II), by striking ''and'' at the end;

(C) in subclause (III)—

(i) by striking ''for each fiscal year after fiscal year 2003'' and inserting ''for each of fiscal years 2004, 2005, and 2006''; and

(ii) by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following new subclauses:

''(IV) for each of fiscal years 2007, 2008, 2009, and 2010, the limit under this clause for the preceding fiscal year, increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) over the previous year; and

''(V) for each fiscal year after fiscal year 2010, the limit under this clause for fiscal year 2010.''.

(2) OFFICE OF THE INSPECTOR GENERAL OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—Section 1817(k)(3)(A)(ii) of such Act (42 U.S.C. 1395i(k)(3)(A)(ii)) is amended—

(A) in subclause (VI), by striking ''and'' at the end;

(B) in subclause (VII)—

(i) by striking ''for each fiscal year after fiscal year 2002'' and inserting ''for each of fiscal years 2003, 2004, 2005, and 2006''; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new subclauses:

''(VIII) for fiscal year 2007, not less than $160,000,000, increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) over the previous year;

''(IX) for each of fiscal years 2008, 2009, and 2010, not less than the amount required under this clause for the preceding fiscal year, increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) over the previous year; and

''(X) for each fiscal year after fiscal year 2010, not less than the amount required under this clause for fiscal year 2010.''.

(b) FEDERAL BUREAU OF INVESTIGATION.—Section 1817(k)(3)(B) of the Social Security Act (42 U.S.C. 1395i(k)(3)(B)) is amended—

(1) in the matter preceding clause (i), by inserting ''until expended'' after ''without further appropriation'';

(2) in clause (vi), by striking ''and'' at the end;

(3) in clause (vii)—

(A) by striking ''for each fiscal year after fiscal year 2002'' and inserting ''for each of fiscal years 2003, 2004, 2005, and 2006''; and

(B) by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following new clauses:

''(viii) for each of fiscal years 2007, 2008, 2009, and 2010, the amount to be appropriated under this subparagraph for the preceding fiscal year, increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) over the previous year; and

''(ix) for each fiscal year after fiscal year 2010, the amount to be appropriated under this subparagraph for fiscal year 2010.''.

SEC. 304. IMPLEMENTATION FUNDING.

For purposes of implementing the provisions of, and amendments made by, this title and titles I and II of this division, other than section 203, the Secretary of Health and Human Services shall provide for the transfer, in appropriate part from the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund established under section 1841 of such Act (42 U.S.C. 1395t), of $45,000,000 to the Centers for Medicare & Medicaid Services Program Management Account for the period of fiscal years 2007 and 2008.

TITLE IV—MEDICAID AND OTHER HEALTH PROVISIONS

SEC. 401. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA) AND ABSTINENCE EDUCATION PROGRAM.

Activities authorized by sections 510 and 1925 of the Social Security Act shall continue through June 30, 2007, in the manner authorized for fiscal year 2006, notwithstanding section 1902(e)(1)(A) of such Act, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the third quarter of fiscal year 2007 at the level provided for such activities through the third quarter of fiscal year 2006.

SEC. 402. GRANTS FOR RESEARCH ON VACCINE AGAINST VALLEY FEVER.

(a) IN GENERAL.—In supporting research on the development of vaccines against human diseases, the Secretary of Health and Human Services shall make grants for the purpose of conducting research toward the development of a vaccine against coccidioidomycosis (commonly known as Valley Fever).

(b) SUNSET.—No grant may be made under subsection (a) on or after October 1, 2012. The preceding sentence does not have any legal effect on payments under grants for which amounts appropriated under subsection (c) were obligated prior to such date.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under subsection (a), there are authorized to be appropriated $40,000,000 for the period of fiscal years 2007 through 2012.

SEC. 403. CHANGE IN THRESHOLD FOR MEDICAID INDIRECT HOLD HARMLESS PROVISION OF BROAD-BASED HEALTH CARE TAXES.

Section 1903(w)(4)(C) of the Social Security Act (42 U.S.C. 1396b(w)(4)(C)) is amended—

(1) by inserting ''(i)'' after ''(C)''; and

(2) by adding at the end the following:

''(ii) For purposes of clause (i), a determination of the existence of an indirect guarantee shall be made under paragraph (3)(i) of section 433.68(f) of title 42, Code of Federal Regulations, as in effect on November 1, 2006, except that for portions of fiscal years beginning on or after January 1, 2008, and before October 1, 2011, '5.5 percent' shall be substituted for '6 percent' each place it appears.''.

SEC. 404. DSH ALLOTMENTS FOR FISCAL YEAR 2007 FOR TENNESSEE AND HAWAII.

Section 1923(f)(6) of the Social Security Act (42 U.S.C. 1396r–4(f)(6)) is amended to read as follows:

''(6) ALLOTMENT ADJUSTMENTS FOR FISCAL YEAR 2007.—

''(A) TENNESSEE.—

''(i) IN GENERAL.—Only with respect to fiscal year 2007, the DSH allotment for Tennessee for such fiscal year, notwithstanding the table set forth in paragraph (2) or the terms of the TennCare Demonstration Project in effect for the State, shall be the greater of—

''(I) the amount that the Secretary determines is equal to the Federal medical assistance percentage component attributable to disproportionate share hospital payment adjustments for the demonstration year ending in 2006 that is reflected in the budget neutrality provision of the TennCare Demonstration Project; and

''(II) $280,000,000.

''(ii) LIMITATION ON AMOUNT OF PAYMENT ADJUSTMENTS ELIGIBLE FOR FEDERAL FINANCIAL PARTICIPATION.—Payment under section 1903(a) shall not be made to Tennessee with respect to the aggregate amount of any payment adjustments made under this section for hospitals in the State for fiscal year 2007 that is in excess of 30 percent of the DSH allotment for the State for such fiscal year determined pursuant to clause (i).

''(iii) STATE PLAN AMENDMENT.—The Secretary shall permit Tennessee to submit an amendment to its State plan under this title that describes the methodology to be used by the State to identify and make payments to disproportionate share hospitals, including children's hospitals and institutions for mental diseases or other mental health facilities. The Secretary may not approve such plan amendment unless the methodology described in the amendment is consistent with the requirements under this section for making payment adjustments to disproportionate share hospitals. For purposes of demonstrating budget neutrality under the TennCare Demonstration Project, payment adjustments made pursuant to a State plan amendment approved in accordance with this subparagraph shall be considered expenditures under such project.

''(iv) OFFSET OF FEDERAL SHARE OF PAYMENT ADJUSTMENTS FOR FISCAL YEAR 2007 AGAINST ESSENTIAL ACCESS HOSPITAL SUPPLEMENTAL POOL PAYMENTS UNDER THE TENNCARE DEMONSTRATION PROJECT.—

''(I) The total amount of Essential Access Hospital supplemental pool payments that may be made under the TennCare Demonstration Project for fiscal year 2007 shall be reduced on a dollar for dollar basis by the amount of any payments made under section 1903(a) to Tennessee with respect to payment adjustments made under this section for hospitals in the State for such fiscal year.

''(II) The sum of the total amount of payments made under section 1903(a) to Tennessee with respect to payment adjustments made under this section for hospitals in the State for fiscal year 2007 and the total amount of Essential Access Hospital supplemental pool payments made under the TennCare Demonstration Project for such fiscal year shall not exceed the State's DSH allotment for such fiscal year established under clause (i).

''(B) HAWAII.—

''(i) IN GENERAL.—Only with respect to fiscal year 2007, the DSH allotment for Hawaii for such fiscal year, notwithstanding the table set forth in paragraph (2), shall be $10,000,000.

''(ii) STATE PLAN AMENDMENT.—The Secretary shall permit Hawaii to submit an amendment to its State plan under this title that describes the methodology to be used by the State to identify and make payments to disproportionate share hospitals, including children's hospitals and institutions for mental diseases or other mental health facilities. The Secretary may not approve such plan amendment unless the methodology described in the amendment is consistent with the requirements under this section for making payment adjustments to disproportionate share hospitals.''.

SEC. 405. CERTAIN MEDICAID DRA TECHNICAL CORRECTIONS.

(a) TECHNICAL CORRECTIONS RELATING TO STATE OPTION FOR ALTERNATIVE PREMIUMS AND COST SHARING (SECTIONS 6041 THROUGH 6043).—

(1) CLARIFICATION OF CONTINUED APPLICATION OF REGULAR COST SHARING RULES FOR INDIVIDUALS WITH FAMILY INCOME NOT EXCEEDING 100 PERCENT OF THE POVERTY LINE.—Section 1916A of the Social Security Act, as inserted by section 6041(a) of the Deficit Reduction Act of 2005 and amended by sections 6042 and 6043 of such Act, is amended—

(A) in subsection (a)(1)—

(i) by inserting ''but subject to paragraph (2),'' after ''1902(a)(10)(B),''; and

(ii) by inserting ''and non-emergency services furnished in a hospital emergency department for which cost sharing may be imposed under subsection (e)'' after ''(c)'';

(B) by redesignating paragraph (2) of subsection (a) as paragraph (3);

(C) in subsection (a), by inserting after paragraph (1) the following:

''(2) EXEMPTION FOR INDIVIDUALS WITH FAMILY INCOME NOT EXCEEDING 100 PERCENT OF THE POVERTY LINE.—

''(A) IN GENERAL.—Paragraph (1) and subsection (d) shall not apply, and sections 1916 and 1902(a)(10)(B) shall continue to apply, in the case of an individual whose family income does not exceed 100 percent of the poverty line applicable to a family of the size involved.

''(B) LIMIT ON AGGREGATE COST SHARING.—To the extent cost sharing under subsection (c) and (e) or under section 1916 is imposed against individuals described in subparagraph (A), the limitation under subsection (b)(1)(B)(ii) on the total aggregate amount of cost sharing shall apply to such cost sharing for all individuals in a family described in subparagraph (A) in the same manner as such limitations apply to cost sharing and families described in subsection (b)(1)(B)(ii).'';

(D) in subsections (c)(2)(C) and (e)(2)(C), by inserting ''under subsection (a)(2)(B) or'' after ''cap on cost sharing applied''; and

(E) in subsection (e)(2)(A), by inserting ''who is not described in subparagraph (B)'' after ''subsection (b)(1)''.

(2) CLARIFICATION OF TREATMENT OF NON-PREFERRED DRUG AND NON-EMERGENCY COST-SHARING.—Such section is further amended—

(A) in subsections (b)(1) and (b)(2), by striking '', subject to subsections (c)(2) and (e)(2)(A)'';

(B) in subsection (c)(1), in the matter preceding subparagraph (A), by striking ''least (or less) costly effective'' and inserting ''most (or more) cost effective'';

(C) in subsection (c)(1)(B), by striking ''otherwise be imposed under'' and inserting ''be imposed under subsection (a) due to the application of'';

(D) in subsection (c)(2)(B), by striking ''otherwise not subject to cost sharing due to the application of subsection (b)(3)(B)'' and inserting ''not subject to cost sharing under subsection (a) due to the application of paragraph (1)(B)'';

(E) in subsection (e)(2)(A)—

(i) by amending the heading to read as follows: ''INDIVIDUALS WITH FAMILY INCOME BETWEEN 100 AND 150 PERCENT OF THE POVERTY LINE.—''; and

(ii) by striking ''under subsection (b)(1)'' and inserting ''under subsection (b)(1)(B)(ii)'';

(F) in subsection (e)(2)(B), by striking ''who is otherwise not subject to cost sharing under subsection (b)(3)'' and inserting ''described in subsection (a)(2)(A) or who is not subject to cost sharing under subsection (b)(3)(B) with respect to non-emergency services described in paragraph (1)'' and

(G) in subsection (e)(2)(C), by inserting ''or section 1916'' after ''subsection (a)''.

(3) CLARIFICATION OF COST SHARING RULES APPLICABLE TO DISABLED CHILDREN PROVIDED MEDICAL ASSISTANCE UNDER THE ELIGIBILITY CATEGORY ADDED BY THE FAMILY OPPORTUNITY ACT.—Such section is further amended—

(A) in subsection (a)(1), in the second sentence, by striking ''section 1916(g)'' and inserting ''subsection (g) or (i) of section 1916''; and

(B) in subsection (b)(3)—

(i) in subparagraph (A), by adding at the end the following:

''(vi) Disabled children who are receiving medical assistance by virtue of the application of sections 1902(a)(10)(A)(ii)(XIX) and 1902(cc).''; and

(ii) in subparagraph (B), by adding at the end the following:

''(ix) Services furnished to disabled children who are receiving medical assistance by virtue of the application of sections 1902(a)(10)(A)(ii)(XIX) and 1902(cc).''.

(4) CORRECTION OF IV–B REFERENCES.—Such section is further amended in subsection (b)(3)—

(A) in subparagraph (A)(i), by striking ''aid or assistance is made available under part B of title IV to children in foster care'' and inserting ''child welfare services are made available under part B of title IV on the basis of being a child in foster care''; and

(B) in subparagraph (B)(i), by striking ''aid or assistance is made available under part B of title IV to children in foster care'' and inserting ''child welfare services are made available under part B of title IV on the basis of being a child in foster care or''.

(5) NON-EMERGENCY SERVICES.—Section 1916A(e)(4)(A) of the Social Security Act, as added by section 6043(a) of the Deficit Reduction Act of 2005, is amended by striking ''the physician determines''.

(6) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the amendments made by sections 6041(a) of the Deficit Reduction Act of 2005, except that insofar as such amendments are to, or relate to, subsection (c) or (e) of section 1916A of the Social Security Act, such amendments shall take effect as if included in the amendments made by section 6042 or 6043, respectively, of the Deficit Reduction Act of 2005.

(b) CLARIFYING TREATMENT OF CERTAIN ANNUITIES (SECTION 6012).—

(1) IN GENERAL.—Section 1917(c)(1)(F)(i) of the Social Security Act (42 U.S.C. 1396p(c)(1)(F)(i)), as added by section 6012(b) of the Deficit Reduction Act of 2005, is amended by striking ''annuitant'' and inserting ''institutionalized individual''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if included in the enactment of section 6012 of the Deficit Reduction Act of 2005.

(c) ADDITIONAL MISCELLANEOUS TECHNICAL CORRECTIONS.—

(1) DOCUMENTATION (SECTION 6036).—

(A) IN GENERAL.—Effective as if included in the amendment made by section 6036(a)(2) of the Deficit Reduction Act of 2005, section 1903(x) of the Social Security Act (42 U.S.C. 1396b(x)), as inserted by such section 6036(a)(2), is amended—

(i) in paragraph (1), by striking ''(i)(23)'' and inserting ''(i)(22)'';

(ii) in paragraph (2)—

(I) in the matter preceding subparagraph (A), by striking ''alien'' and inserting ''individual declaring to be a citizen or national of the United States'';

(II) by striking subparagraph (B) and inserting the following:

''(B) and is receiving—

''(i) disability insurance benefits under section 223 or monthly insurance benefits under section 202 based on such individual's disability (as defined in section 223(d)); or

''(ii) supplemental security income benefits under title XVI;'';

(III) in subparagraph (C)—

(aa) by striking ''other''; and

(bb) by striking ''had'' and inserting ''has'';

(IV) by redesignating subparagraph (C) as subparagraph (D); and

(V) by inserting after subparagraph (B) the following new subparagraph:

''(C) and with respect to whom—

''(i) child welfare services are made available under part B of title IV on the basis of being a child in foster care; or

''(ii) adoption or foster care assistance is made available under part E of title IV; or''; and

(iii) in paragraph (3)(C)(iii), by striking ''I–97'' and inserting ''I–197''.

(B) ASSURANCE OF STATE FOSTER CARE AGENCY VERIFICATION OF CITIZENSHIP OR LEGAL STATUS.—

(i) STATE PLAN AMENDMENT.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(I) in paragraph (25), by striking ''and'' at the end;

(II) in paragraph (26)(C), by striking the period at the end and inserting ''; and''; and

(III) by adding at the end the following:

''(27) provides that, with respect to any child in foster care under the responsibility of the State under this part or part B and without regard to whether foster care maintenance payments are made under section 472 on behalf of the child, the State has in effect procedures for verifying the citizenship or immigration status of the child.''.

(ii) INCLUSION IN REVIEWS OF CHILD AND FAMILY SERVICES PROGRAMS.—Section 1123A(b)(2) of the Social Security Act (42 U.S.C. 1320a-2a(b)(2)) is amended by inserting ''(which shall include determining whether the State program is in conformity with the requirement of section 471(a)(27))'' after ''review''.

(iii) EFFECTIVE DATE.—The amendments made by this subparagraph shall take effect on the date that is 6 months after the date of the enactment of this Act.

(2) MISCELLANEOUS TECHNICAL CORRECTIONS.—

(A) Effective as if included in the enactment of the Deficit Reduction Act of 2005 (Public Law 109–171), the following sections of such Act are amended as follows:

(i) Section 5114(a)(2) is amended by striking ''section 1842(b)(6)(F) of such Act (42 U.S.C. 1395u(b)(6)(F))'' and inserting ''section 1842(b)(6) of such Act (42 U.S.C. 1395u(b)(6))''.

(ii) Section 6003(b)(2) is amended, by striking ''subsection (k)'' and inserting ''subsection (k)(1)''.

(iii) Sections 6031(b), 6032(b), and 6035(c) are each amended by striking ''section 6035(e)'' and inserting ''section 6034(e)''.

(iv) Section 6034(b) is amended by striking ''section 6033(a)'' and inserting ''section 6032(a)''.

(v) Section 6036 is amended—

(I) in subsection (b), by striking ''section 1903(z)'' and inserting ''section 1903(x)''; and

(II) in subsection (c), by striking ''(i)(23)'' and inserting ''(i)(22)''.

(B) Effective as if included in the amendment made by section 6015(a)(1) of the Deficit Reduction Act of 2005, section 1919(c)(5)(A)(i)(II) of the Social Security Act (42 U.S.C. 1396r(c)(5)(A)(i)(II)) is amended by striking ''clause (v)'' and inserting ''subparagraph (B)(v)''.

DIVISION C—OTHER PROVISIONS

TITLE I—GULF OF MEXICO ENERGY SECURITY

SEC. 101. SHORT TITLE.

This title may be cited as the ''Gulf of Mexico Energy Security Act of 2006''.

SEC. 102. DEFINITIONS.

In this title:

(1) 181 AREA.—The term ''181 Area'' means the area identified in map 15, page 58, of the Proposed Final Outer Continental Shelf Oil and Gas Leasing Program for 1997–2002, dated August 1996, of the Minerals Management Service, available in the Office of the Director of the Minerals Management Service, excluding the area offered in OCS Lease Sale 181, held on December 5, 2001.

(2) 181 SOUTH AREA.—The term ''181 South Area'' means any area—

(A) located—

(i) south of the 181 Area;

(ii) west of the Military Mission Line; and

(iii) in the Central Planning Area;

(B) excluded from the Proposed Final Outer Continental Shelf Oil and Gas Leasing Program for 1997–2002, dated August 1996, of the Minerals Management Service; and

(C) included in the areas considered for oil and gas leasing, as identified in map 8, page 37 of the document entitled ''Draft Proposed Program Outer Continental Shelf Oil and Gas Leasing Program 2007–2012'', dated February 2006.

(3) BONUS OR ROYALTY CREDIT.—The term ''bonus or royalty credit'' means a legal instrument or other written documentation, or an entry in an account managed by the Secretary, that may be used in lieu of any other monetary payment for—

(A) a bonus bid for a lease on the outer Continental Shelf; or

(B) a royalty due on oil or gas production from any lease located on the outer Continental Shelf.

(4) CENTRAL PLANNING AREA.—The term ''Central Planning Area'' means the Central Gulf of Mexico Planning Area of the outer Continental Shelf, as designated in the document entitled ''Draft Proposed Program Outer Continental Shelf Oil and Gas Leasing Program 2007–2012'', dated February 2006.

(5) EASTERN PLANNING AREA.—The term ''Eastern Planning Area'' means the Eastern Gulf of Mexico Planning Area of the outer Continental Shelf, as designated in the document entitled ''Draft Proposed Program Outer Continental Shelf Oil and Gas Leasing Program 2007–2012'', dated February 2006.

(6) 2002–2007 PLANNING AREA.—The term ''2002–2007 planning area'' means any area—

(A) located in—

(i) the Eastern Planning Area, as designated in the Proposed Final Outer Continental Shelf Oil and Gas Leasing Program 2002–2007, dated April 2002, of the Minerals Management Service;

(ii) the Central Planning Area, as designated in the Proposed Final Outer Continental Shelf Oil and Gas Leasing Program 2002–2007, dated April 2002, of the Minerals Management Service; or

(iii) the Western Planning Area, as designated in the Proposed Final Outer Continental Shelf Oil and Gas Leasing Program 2002–2007, dated April 2002, of the Minerals Management Service; and

(B) not located in—

(i) an area in which no funds may be expended to conduct offshore preleasing, leasing, and related activities under sections 104 through 106 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54; 119 Stat. 521) (as in effect on August 2, 2005);

(ii) an area withdrawn from leasing under the ''Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition'', from 34 Weekly Comp. Pres. Doc. 1111, dated June 12, 1998; or

(iii) the 181 Area or 181 South Area.

(7) GULF PRODUCING STATE.—The term ''Gulf producing State'' means each of the States of Alabama, Louisiana, Mississippi, and Texas.

(8) MILITARY MISSION LINE.—The term ''Military Mission Line'' means the north-south line at 86°41′ W. longitude.

(9) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—

(A) IN GENERAL.—The term ''qualified outer Continental Shelf revenues'' means—

(i) in the case of each of fiscal years 2007 through 2016, all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this Act for—

(I) areas in the 181 Area located in the Eastern Planning Area; and

(II) the 181 South Area; and

(ii) in the case of fiscal year 2017 and each fiscal year thereafter, all rentals, royalties, bonus bids, and other sums due and payable to the United States received on or after October 1, 2016, from leases entered into on or after the date of enactment of this Act for—

(I) the 181 Area;

(II) the 181 South Area; and

(III) the 2002–2007 planning area.

(B) EXCLUSIONS.—The term ''qualified outer Continental Shelf revenues'' does not include—

(i) revenues from the forfeiture of a bond or other surety securing obligations other than royalties, civil penalties, or royalties taken by the Secretary in-kind and not sold; or

(ii) revenues generated from leases subject to section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)).

(10) COASTAL POLITICAL SUBDIVISION.—The term ''coastal political subdivision'' means a political subdivision of a Gulf producing State any part of which political subdivision is—

(A) within the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) of the Gulf producing State as of the date of enactment of this Act; and

(B) not more than 200 nautical miles from the geographic center of any leased tract.

(11) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 103. OFFSHORE OIL AND GAS LEASING IN 181 AREA AND 181 SOUTH AREA OF GULF OF MEXICO.

(a) 181 AREA LEASE SALE.—Except as provided in section 104, the Secretary shall offer the 181 Area for oil and gas leasing pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) as soon as practicable, but not later than 1 year, after the date of enactment of this Act.

(b) 181 SOUTH AREA LEASE SALE.—The Secretary shall offer the 181 South Area for oil and gas leasing pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) as soon as practicable after the date of enactment of this Act.

(c) LEASING PROGRAM.—The 181 Area and 181 South Area shall be offered for lease under this section notwithstanding the omission of the 181 Area or the 181 South Area from any outer Continental Shelf leasing program under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344).

(d) CONFORMING AMENDMENT.—Section 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54; 119 Stat. 522) is amended by inserting ''(other than the 181 South Area (as defined in section 102 of the Gulf of Mexico Energy Security Act of 2006))'' after ''lands located outside Sale 181''.

SEC. 104. MORATORIUM ON OIL AND GAS LEASING IN CERTAIN AREAS OF GULF OF MEXICO.

(a) IN GENERAL.—Effective during the period beginning on the date of enactment of this Act and ending on June 30, 2022, the Secretary shall not offer for leasing, preleasing, or any related activity—

(1) any area east of the Military Mission Line in the Gulf of Mexico;

(2) any area in the Eastern Planning Area that is within 125 miles of the coastline of the State of Florida; or

(3) any area in the Central Planning Area that is—

(A) within—

(i) the 181 Area; and

(ii) 100 miles of the coastline of the State of Florida; or

(B)(i) outside the 181 Area;

(ii) east of the western edge of the Pensacola Official Protraction Diagram (UTM X coordinate 1,393,920 (NAD 27 feet)); and

(iii) within 100 miles of the coastline of the State of Florida.

(b) MILITARY MISSION LINE.—Notwithstanding subsection (a), the United States reserves the right to designate by and through the Secretary of Defense, with the approval of the President, national defense areas on the outer Continental Shelf pursuant to section 12(d) of the Outer Continental Shelf Lands Act (43 U.S.C. 1341(d)).

(c) EXCHANGE OF CERTAIN LEASES.—

(1) IN GENERAL.—The Secretary shall permit any person that, as of the date of enactment of this Act, has entered into an oil or gas lease with the Secretary in any area described in paragraph (2) or (3) of subsection (a) to exchange the lease for a bonus or royalty credit that may only be used in the Gulf of Mexico.

(2) VALUATION OF EXISTING LEASE.—The amount of the bonus or royalty credit for a lease to be exchanged shall be equal to—

(A) the amount of the bonus bid; and

(B) any rental paid for the lease as of the date the lessee notifies the Secretary of the decision to exchange the lease.

(3) REVENUE DISTRIBUTION.—No bonus or royalty credit may be used under this subsection in lieu of any payment due under, or to acquire any interest in, a lease subject to the revenue distribution provisions of section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)).

(4) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate regulations that shall provide a process for—

(A) notification to the Secretary of a decision to exchange an eligible lease;

(B) issuance of bonus or royalty credits in exchange for relinquishment of the existing lease;

(C) transfer of the bonus or royalty credit to any other person; and

(D) determining the proper allocation of bonus or royalty credits to each lease interest owner.

SEC. 105. DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM 181 AREA, 181 SOUTH AREA, AND 2002–2007 PLANNING AREAS OF GULF OF MEXICO.

(a) IN GENERAL.—Notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) and subject to the other provisions of this section, for each applicable fiscal year, the Secretary of the Treasury shall deposit—

(1) 50 percent of qualified outer Continental Shelf revenues in the general fund of the Treasury; and

(2) 50 percent of qualified outer Continental Shelf revenues in a special account in the Treasury from which the Secretary shall disburse—

(A) 75 percent to Gulf producing States in accordance with subsection (b); and

(B) 25 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 4601–5).

(b) ALLOCATION AMONG GULF PRODUCING STATES AND COASTAL POLITICAL SUBDIVISIONS.—

(1) ALLOCATION AMONG GULF PRODUCING STATES FOR FISCAL YEARS 2007 THROUGH 2016.—

(A) IN GENERAL.—Subject to subparagraph (B), effective for each of fiscal years 2007 through 2016, the amount made available under subsection (a)(2)(A) shall be allocated to each Gulf producing State in amounts (based on a formula established by the Secretary by regulation) that are inversely proportional to the respective distances between the point on the coastline of each Gulf producing State that is closest to the geographic center of the applicable leased tract and the geographic center of the leased tract.

(B) MINIMUM ALLOCATION.—The amount allocated to a Gulf producing State each fiscal year under subparagraph (A) shall be at least 10 percent of the amounts available under subsection (a)(2)(A).

(2) ALLOCATION AMONG GULF PRODUCING STATES FOR FISCAL YEAR 2017 AND THEREAFTER.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), effective for fiscal year 2017 and each fiscal year thereafter—

(i) the amount made available under subsection (a)(2)(A) from any lease entered into within the 181 Area or the 181 South Area shall be allocated to each Gulf producing State in amounts (based on a formula established by the Secretary by regulation) that are inversely proportional to the respective distances between the point on the coastline of each Gulf pro
Producing State that is closest to the geographic center of the applicable leased tract and the geographic center of the leased tract; and

(ii) the amount made available under subsection (a)(2)(A) from any lease entered into within the 2002–2007 planning area shall be allocated to each Gulf producing State in amounts that are inversely proportional to the respective distances between the point on the coastline of each Gulf producing State that is closest to the geographic center of each historical lease site and the geographic center of the historical lease site, as determined by the Secretary.

(B) MINIMUM ALLOCATION.—The amount allocated to a Gulf producing State each fiscal year under subparagraph (A) shall be at least 10 percent of the amounts available under subsection (a)(2)(A).

(C) HISTORICAL LEASE SITES.—

(i) IN GENERAL.—Subject to clause (ii), for purposes of subparagraph (A)(ii), the historical lease sites in the 2002–2007 planning area shall include all leases entered into by the Secretary for an area in the Gulf of Mexico during the period beginning on October 1, 1982 (or an earlier date if practicable, as determined by the Secretary), and ending on December 31, 2015.

(ii) ADJUSTMENT.—Effective January 1, 2022, and every 5 years thereafter, the ending date described in clause (i) shall be extended for an additional 5 calendar years.

(3) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—

(A) IN GENERAL.—The Secretary shall pay 20 percent of the allocable share of each Gulf producing State, as determined under paragraphs (1) and (2), to the coastal political subdivisions of the Gulf producing State.

(B) ALLOCATION.—The amount paid by the Secretary to coastal political subdivisions shall be allocated to each coastal political subdivision in accordance with subparagraphs (B), (C), and (E) of section 31(b)(4) of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a(b)(4)).

(c) TIMING.—The amounts required to be deposited under paragraph (2) of subsection (a) for the applicable fiscal year shall be made available in accordance with that paragraph during the fiscal year immediately following the applicable fiscal year.

(d) AUTHORIZED USES.—

(1) IN GENERAL.—Subject to paragraph (2), each Gulf producing State and coastal political subdivision shall use all amounts received under subsection (b) in accordance with all applicable Federal and State laws, only for 1 or more of the following purposes:

(A) Projects and activities for the purposes of coastal protection, including conservation, coastal restoration, hurricane protection, and infrastructure directly affected by coastal wetland losses.

(B) Mitigation of damage to fish, wildlife, or natural resources.

(C) Implementation of a federally-approved marine, coastal, or comprehensive conservation management plan.

(D) Mitigation of the impact of outer Continental Shelf activities through the funding of onshore infrastructure projects.

(E) Planning assistance and the administrative costs of complying with this section.

(2) LIMITATION.—Not more than 3 percent of amounts received by a Gulf producing State or coastal political subdivision under subsection (b) may be used for the purposes described in paragraph (1)(E).

(e) ADMINISTRATION.—Amounts made available under subsection (a)(2) shall—

(1) be made available, without further appropriation, in accordance with this section;

(2) remain available until expended; and

(3) be in addition to any amounts appropriated under—

(A) the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.);

(B) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 et seq.); or

(C) any other provision of law.

(f) LIMITATIONS ON AMOUNT OF DISTRIBUTED QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—

(1) IN GENERAL.—Subject to paragraph (2), the total amount of qualified outer Continental Shelf revenues made available under subsection (a)(2) shall not exceed $500,000,000 for each of fiscal years 2016 through 2055.

(2) EXPENDITURES.—For the purpose of paragraph (1), for each of fiscal years 2016 through 2055, expenditures under subsection (a)(2) shall be net of receipts from that fiscal year from any area in the 181 Area in the Eastern Planning Area and the 181 South Area.

(3) PRO RATA REDUCTIONS.—If paragraph (1) limits the amount of qualified outer Continental Shelf revenue that would be paid under subparagraphs (A) and (B) of subsection (a)(2)—

(A) the Secretary shall reduce the amount of qualified outer Continental Shelf revenue provided to each recipient on a pro rata basis; and

(B) any remainder of the qualified outer Continental Shelf revenues shall revert to the general fund of the Treasury.

TITLE II—SURFACE MINING CONTROL AND RECLAMATION ACT AMENDMENTS OF 2006

SEC. 200. SHORT TITLE.

This title may be cited as the ''Surface Mining Control and Reclamation Act Amendments of 2006''.

Subtitle A—Mining Control and Reclamation

SEC. 201. ABANDONED MINE RECLAMATION FUND AND PURPOSES.

(a) IN GENERAL.—Section 401 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231) is amended—

(1) in subsection (c)—

(A) by striking paragraphs (2) and (6); and

(B) by redesignating paragraphs (3), (4), and (5) and paragraphs (7) through (13) as paragraphs (2) through (11), respectively;

(2) by striking subsection (d) and inserting the following:

''(d) AVAILABILITY OF MONEYS; NO FISCAL YEAR LIMITATION.—

''(1) IN GENERAL.—Moneys from the fund for expenditures under subparagraphs (A) through (D) of section 402(g)(3) shall be available only when appropriated for those subparagraphs.

''(2) NO FISCAL YEAR LIMITATION.—Appropriations described in paragraph (1) shall be made without fiscal year limitation.

''(3) OTHER PURPOSES.—Moneys from the fund shall be available for all other purposes of this title without prior appropriation as provided in subsection (f).'';

(3) in subsection (e)—

(A) in the second sentence, by striking ''the needs of such fund'' and inserting ''achieving the purposes of the transfers under section 402(h)''; and

(B) in the third sentence, by inserting before the period the following: ''for the purpose of the transfers under section 402(h)''; and

(4) by adding at the end the following:

''(f) GENERAL LIMITATION ON OBLIGATION AUTHORITY.—

''(1) IN GENERAL.—From amounts deposited into the fund under subsection (b), the Secretary shall distribute during each fiscal year beginning after September 30, 2007, an amount determined under paragraph (2).

''(2) AMOUNTS.—

''(A) FOR FISCAL YEARS 2008 THROUGH 2022.—For each of fiscal years 2008 through 2022, the amount distributed by the Secretary under this subsection shall be equal to—

''(i) the amounts deposited into the fund under paragraphs (1), (2), and (4) of subsection (b) for the preceding fiscal year that were allocated under paragraphs (1) and (5) of section 402(g); plus

''(ii) the amount needed for the adjustment under section 402(g)(8) for the current fiscal year.

''(B) FISCAL YEARS 2023 AND THEREAFTER.—For fiscal year 2023 and each fiscal year thereafter, to the extent that funds are available, the Secretary shall distribute an amount equal to the amount distributed under subparagraph (A) during fiscal year 2022.

''(3) DISTRIBUTION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), for each fiscal year, of the amount to be distributed to States and Indian tribes pursuant to paragraph (2), the Secretary shall distribute—

''(i) the amounts allocated under paragraph (1) of section 402(g), the amounts allocated under paragraph (5) of section 402(g), and any amount reallocated under section 411(h)(3) in accordance with section 411(h)(2), for grants to States and Indian tribes under section 402(g)(5); and

''(ii) the amounts allocated under section 402(g)(8).

''(B) EXCLUSION.—Beginning on October 1, 2007, certified States shall be ineligible to receive amounts under section 402(g)(1).

''(4) AVAILABILITY.—Amounts in the fund available to the Secretary for obligation under this subsection shall be available until expended.

''(5) ADDITION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the amount distributed under this subsection for each fiscal year shall be in addition to the amount appropriated from the fund during the fiscal year.

''(B) EXCEPTIONS.—Notwithstanding paragraph (3), the amount distributed under this subsection for the first 4 fiscal years beginning on and after October 1, 2007, shall be equal to the following percentage of the amount otherwise required to be distributed:

''(i) 50 percent in fiscal year 2008.

''(ii) 50 percent in fiscal year 2009.

''(iii) 75 percent in fiscal year 2010.

''(iv) 75 percent in fiscal year 2011.''.

(b) CONFORMING AMENDMENT.—Section 712(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1302(b)) is amended by striking ''section 401(c)(11)'' and inserting ''section 401(c)(9)''.

SEC. 202. RECLAMATION FEE.

(a) AMOUNTS.—

(1) FISCAL YEARS 2008–2012.—Effective October 1, 2007, section 402(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(a)) is amended—

(A) by striking ''35'' and inserting ''31.5'';

(B) by striking ''15'' and inserting ''13.5''; and

(C) by striking ''10 cents'' and inserting ''9 cents''.

(2) FISCAL YEARS 2013–2021.—Effective October 1, 2012, section 402(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(a)) (as amended by paragraph (1)) is amended—

(A) by striking ''31.5'' and inserting ''28'';

(B) by striking ''13.5'' and inserting ''12''; and

(C) by striking ''9 cents'' and inserting ''8 cents''.

(b) DURATION.—Effective September 30, 2007, section 402(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(b)) (as amended by section 7007 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 484)) is amended by striking ''September 30, 2007'' and all that follows through the end of the sentence and inserting ''September 30, 2021.''.

(c) ALLOCATION OF FUNDS.—Section 402(g) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(g)) is amended—

(1) in paragraph (1)(D)—

(A) by inserting ''(except for grants awarded during fiscal years 2008, 2009, and 2010 to the extent not expended within 5 years)'' after ''this paragraph''; and

(B) by striking ''in any area under paragraph (2), (3), (4), or (5)'' and inserting ''under paragraph (5)'';

(2) by striking paragraph (2) and inserting:

''(2) In making the grants referred to in paragraph (1)(C) and the grants referred to in paragraph (5), the Secretary shall ensure strict compliance by the States and Indian tribes with the priorities described in section 403(a) until a certification is made under section 411(a).'';

(3) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking ''paragraphs (2) and'' and inserting ''paragraph'';

(B) in subparagraph (A), by striking ''401(c)(11)'' and inserting ''401(c)(9)''; and

(C) by adding at the end the following:

''(E) For the purpose of paragraph (8).'';

(4) in paragraph (5)—

(A) by inserting ''(A)'' after ''(5)'';

(B) in the first sentence, by striking ''40'' and inserting ''60'';

(C) in the last sentence, by striking ''Funds allocated or expended by the Secretary under paragraphs (2), (3), or (4)'' and inserting ''Funds made available under paragraph (3) or (4)''; and

(D) by adding at the end the following:

''(B) Any amount that is reallocated and available under section 411(h)(3) shall be in addition to amounts that are allocated under subparagraph (A).''; and

(5) by striking paragraphs (6) through (8) and inserting the following:

''(6)(A) Any State with an approved abandoned mine reclamation program pursuant to section 405 may receive and retain, without regard to the 3-year limitation referred to in paragraph (1)(D), up to 30 percent of the total of the grants made annually to the State under paragraphs (1) and (5) if those amounts are deposited into an acid mine drainage abatement and treatment fund established under State law, from which amounts (together with all interest earned on the amounts) are expended by the State for the abatement of the causes and the treatment of the effects of acid mine drainage in a comprehensive manner within qualified hydrologic units affected by coal mining practices.

''(B) In this paragraph, the term 'qualified hydrologic unit' means a hydrologic unit—

''(i) in which the water quality has been significantly affected by acid mine drainage from coal mining practices in a manner that adversely impacts biological resources; and

''(ii) that contains land and water that are—

''(I) eligible pursuant to section 404 and include any of the priorities described in section 403(a); and

''(II) the subject of expenditures by the State from the forfeiture of bonds required under section 509 or from other States sources to abate and treat acid mine drainage.

''(7) In complying with the priorities described in section 403(a), any State or Indian tribe may use amounts available in grants made annually to the State or tribe under paragraphs (1) and (5) for the reclamation of eligible land and water described in section 403(a)(3) before the completion of reclamation projects under paragraphs (1) and (2) of section 403(a) only if the expenditure of funds for the reclamation is done in conjunction with the expenditure before, on, or after the date of enactment of the Surface Mining Control and Reclamation Act Amendments of 2006 of funds for reclamation projects under paragraphs (1) and (2) of section 403(a).

''(8)(A) In making funds available under this title, the Secretary shall ensure that the grant awards total not less than $3,000,000 annually to each State and each Indian tribe having an approved abandoned mine reclamation program pursuant to section 405 and eligible land and water pursuant to section 404, so long as an allocation of funds to the State or tribe is necessary to achieve the priorities stated in paragraphs (1) and (2) of section 403(a).

''(B) Notwithstanding any other provision of law, this paragraph applies to the States of Tennessee and Missouri.''.

(d) TRANSFERS OF INTEREST EARNED BY ABANDONED MINE RECLAMATION FUND.—Section 402 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232) is amended by striking subsection (h) and inserting the following:

''(h) TRANSFERS OF INTEREST EARNED BY FUND.—

''(1) IN GENERAL.—

''(A) TRANSFERS TO COMBINED BENEFIT FUND.—As soon as practicable after the beginning of fiscal year 2007 and each fiscal year thereafter, and before making any allocation with respect to the fiscal year under subsection (g), the Secretary shall use an amount not to exceed the amount of interest that the Secretary estimates will be earned and paid to the fund during the fiscal year to transfer to the Combined Benefit Fund such amounts as are estimated by the trustees of such fund to offset the amount of any deficit in net assets in the Combined Benefit Fund as of October 1, 2006, and to make the transfer described in paragraph (2)(A).

''(B) TRANSFERS TO 1992 AND 1993 PLANS.—As soon as practicable after the beginning of fiscal year 2008 and each fiscal year thereafter, and before making any allocation with respect to the fiscal year under subsection (g), the Secretary shall use an amount not to exceed the amount of interest that the Secretary estimates will be earned and paid to the fund during the fiscal year (reduced by the amount used under subparagraph (A)) to make the transfers described in paragraphs (2)(B) and (2)(C).

''(2) TRANSFERS DESCRIBED.—The transfers referred to in paragraph (1) are the following:

''(A) UNITED MINE WORKERS OF AMERICA COMBINED BENEFIT FUND.—A transfer to the United Mine Workers of America Combined Benefit Fund equal to the amount that the trustees of the Combined Benefit Fund estimate will be expended from the fund for the fiscal year in which the transfer is made, reduced by—

''(i) the amount the trustees of the Combined Benefit Fund estimate the Combined Benefit Fund will receive during the fiscal year in—

''(I) required premiums; and

''(II) payments paid by Federal agencies in connection with benefits provided by the Combined Benefit Fund; and

''(ii) the amount the trustees of the Combined Benefit Fund estimate will be expended during the fiscal year to provide health benefits to beneficiaries who are unassigned beneficiaries solely as a result of the application of section 9706(h)(1) of the Internal Revenue Code of 1986, but only to the extent that such amount does not exceed the amounts described in subsection (i)(1)(A) that the Secretary estimates will be available to pay such estimated expenditures.

''(B) UNITED MINE WORKERS OF AMERICA 1992 BENEFIT PLAN.—A transfer to the United Mine Workers of America 1992 Benefit Plan, in an amount equal to the difference between—

''(i) the amount that the trustees of the 1992 UMWA Benefit Plan estimate will be expended from the 1992 UMWA Benefit Plan during the next calendar year to provide the benefits required by the 1992 UMWA Benefit Plan on the date of enactment of this subparagraph; minus

''(ii) the amount that the trustees of the 1992 UMWA Benefit Plan estimate the 1992 UMWA Benefit Plan will receive during the next calendar year in—

''(I) required monthly per beneficiary premiums, including the amount of any security provided to the 1992 UMWA Benefit Plan that is available for use in the provision of benefits; and

''(II) payments paid by Federal agencies in connection with benefits provided by the 1992 UMWA benefit plan.

''(C) MULTIEMPLOYER HEALTH BENEFIT PLAN.—A transfer to the Multiemployer Health Benefit Plan established after July 20, 1992, by the parties that are the settlors of the 1992 UMWA Benefit Plan referred to in subparagraph (B) (referred to in this subparagraph and subparagraph (D) as 'the Plan'), in an amount equal to the excess (if any) of—

''(i) the amount that the trustees of the Plan estimate will be expended from the Plan during the next calendar year, to provide benefits no greater than those provided by the Plan as of December 31, 2006; over

''(ii) the amount that the trustees estimated the Plan will receive during the next calendar year in payments paid by Federal agencies in connection with benefits provided by the Plan.

Such excess shall be calculated by taking into account only those beneficiaries actually enrolled in the Plan as of December 31, 2006, who are eligible to receive benefits under the Plan on the first day of the calendar year for which the transfer is made.

''(D) INDIVIDUALS CONSIDERED ENROLLED.—For purposes of subparagraph (C), any individual who was eligible to receive benefits from the Plan as of the date of enactment of this subsection, even though benefits were being provided to the individual pursuant to a settlement agreement approved by order of a bankruptcy court entered on or before September 30, 2004, will be considered to be actually enrolled in the Plan and shall receive benefits from the Plan beginning on December 31, 2006.

''(3) ADJUSTMENT.—If, for any fiscal year, the amount of a transfer under subparagraph (A), (B), or (C) of paragraph (2) is more or less than the amount required to be transferred under that subparagraph, the Secretary shall appropriately adjust the amount transferred under that subparagraph for the next fiscal year.

''(4) ADDITIONAL AMOUNTS.—

''(A) PREVIOUSLY CREDITED INTEREST.—Notwithstanding any other provision of law, any interest credited to the fund that has not previously been transferred to the Combined Benefit Fund referred to in paragraph (2)(A) under this section—

''(i) shall be held in reserve by the Secretary until such time as necessary to make the payments under subparagraphs (A) and (B) of subsection (i)(1), as described in clause (ii); and

''(ii) in the event that the amounts described in subsection (i)(1) are insufficient to make the maximum payments described in subparagraphs (A) and (B) of subsection (i)(1), shall be used by the Secretary to supplement the payments so that the maximum amount permitted under those paragraphs is paid.

''(B) PREVIOUSLY ALLOCATED AMOUNTS.—All amounts allocated under subsection (g)(2) before the date of enactment of this subparagraph for the program described in section 406, but not appropriated before that date, shall be available to the Secretary to make the transfers described in paragraph (2).

''(C) ADEQUACY OF PREVIOUSLY CREDITED INTEREST.—The Secretary shall—

''(i) consult with the trustees of the plans described in paragraph (2) at reasonable intervals; and

''(ii) notify Congress if a determination is made that the amounts held in reserve under subparagraph (A) are insufficient to meet future requirements under subparagraph (A)(ii).

''(D) ADDITIONAL RESERVE AMOUNTS.—In addition to amounts held in reserve under subparagraph (A), there is authorized to be appropriated such sums as may be necessary for transfer to the fund to carry out the purposes of subparagraph (A)(ii).

''(E) INAPPLICABILITY OF CAP.—The limitation described in subsection (i)(3)(A) shall not apply to payments made from the reserve fund under this paragraph.

''(5) LIMITATIONS.—

''(A) AVAILABILITY OF FUNDS FOR NEXT FISCAL YEAR.—The Secretary may make transfers under subparagraphs (B) and (C) of paragraph (2) for a calendar year only if the Secretary determines, using actuarial projections provided by the trustees of the Combined Benefit Fund referred to in paragraph (2)(A), that amounts will be available under paragraph (1), after the transfer, for the next fiscal year for making the transfer under paragraph (2)(A).

''(B) RATE OF CONTRIBUTIONS OF OBLIGORS.—

''(i) IN GENERAL.—

''(I) RATE.—A transfer under paragraph (2)(C) shall not be made for a calendar year unless the persons that are obligated to contribute to the plan referred to in paragraph (2)(C) on the date of the transfer are obligated to make the contributions at rates that are no less than those in effect on the date which is 30 days before the date of enactment of this subsection.

''(II) APPLICATION.—The contributions described in subclause (I) shall be applied first to the provision of benefits to those plan beneficiaries who are not described in paragraph (2)(C)(ii).

''(ii) INITIAL CONTRIBUTIONS.—

''(I) IN GENERAL.—From the date of enactment of the Surface Mining Control and Reclamation Act Amendments of 2006 through December 31, 2010, the persons that, on the date of enactment of that Act, are obligated to contribute to the plan referred to in paragraph (2)(C) shall be obligated, collectively, to make contributions equal to the amount described in paragraph (2)(C), less the amount actually transferred due to the operation of subparagraph (C).

''(II) FIRST CALENDAR YEAR.—Calendar year 2006 is the first calendar year for which contributions are required under this clause.

''(III) AMOUNT OF CONTRIBUTION FOR 2006.—Except as provided in subclause (IV), the amount described in paragraph (2)(C) for calendar year 2006 shall be calculated as if paragraph (2)(C) had been in effect during 2005.

''(IV) LIMITATION.—The contributions required under this clause for calendar year 2006 shall not exceed the amount necessary for solvency of the plan described in paragraph (2)(C), measured as of December 31, 2006 and taking into account all assets held by the plan as of that date.

''(iii) DIVISION.—The collective annual contribution obligation required under clause (ii) shall be divided among the persons subject to the obligation, and applied uniformly, based on the hours worked for which contributions referred to in clause (i) would be owed.

''(C) PHASE-IN OF TRANSFERS.—For each of calendar years 2008 through 2010, the transfers required under subparagraphs (B) and (C) of paragraph (2) shall equal the following amounts:

''(i) For calendar year 2008, the Secretary shall make transfers equal to 25 percent of the amounts that would otherwise be required under subparagraphs (B) and (C) of paragraph (2).

''(ii) For calendar year 2009, the Secretary shall make transfers equal to 50 percent of the amounts that would otherwise be required under subparagraphs (B) and (C) of paragraph (2).

''(iii) For calendar year 2010, the Secretary shall make transfers equal to 75 percent of the amounts that would otherwise be required under subparagraphs (B) and (C) of paragraph (2).

''(i) FUNDING.—

''(1) IN GENERAL.—Subject to paragraph (3), out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the plans described in subsection (h)(2) such sums as are necessary to pay the following amounts:

''(A) To the Combined Fund (as defined in section 9701(a)(5) of the Internal Revenue Code of 1986 and referred to in this paragraph as the 'Combined Fund'), the amount that the trustees of the Combined Fund estimate will be expended from premium accounts maintained by the Combined Fund for the fiscal year to provide benefits for beneficiaries who are unassigned beneficiaries solely as a result of the application of section 9706(h)(1) of the Internal Revenue Code of 1986, subject to the following limitations:

''(i) For fiscal year 2008, the amount paid under this subparagraph shall equal—

''(I) the amount described in subparagraph (A); minus

''(II) the amounts required under section 9706(h)(3)(A) of the Internal Revenue Code of 1986.

''(ii) For fiscal year 2009, the amount paid under this subparagraph shall equal—

''(I) the amount described in subparagraph (A); minus

''(II) the amounts required under section 9706(h)(3)(B) of the Internal Revenue Code of 1986.

''(iii) For fiscal year 2010, the amount paid under this subparagraph shall equal—

''(I) the amount described in subparagraph (A); minus

''(II) the amounts required under section 9706(h)(3)(C) of the Internal Revenue Code of 1986.

''(B) On certification by the trustees of any plan described in subsection (h)(2) that the amount available for transfer by the Secretary pursuant to this section (determined after application of any limitation under subsection (h)(5)) is less than the amount required to be transferred, to the plan the amount necessary to meet the requirement of subsection (h)(2).

''(C) To the Combined Fund, $9,000,000 on October 1, 2007, $9,000,000 on October 1, 2008, and $9,000,000 on October 1, 2009 (which amounts shall not be exceeded) to provide a refund of any premium (as described in section 9704(a) of the Internal Revenue Code of 1986) paid on or before September 7, 2000, to the Combined Fund, plus interest on the premium calculated at the rate of 7.5 percent per year, on a proportional basis and to be paid not later than 60 days after the date on which each payment is received by the Combined Fund, to those signatory operators (to the extent that the Combined Fund has not previously returned the premium amounts to the operators), or any related persons to the operators (as defined in section 9701(c) of the Internal Revenue Code of 1986), or their heirs, successors, or assigns who have been denied the refunds as the result of final judgments or settlements if—

''(i) prior to the date of enactment of this paragraph, the signatory operator (or any related person to the operator)—

''(I) had all of its beneficiary assignments made under section 9706 of the Internal Revenue Code of 1986 voided by the Commissioner of the Social Security Administration; and

''(II) was subject to a final judgment or final settlement of litigation adverse to a claim by the operator that the assignment of beneficiaries under section 9706 of the Internal Revenue Code of 1986 was unconstitutional as applied to the operator; and

''(ii) on or before September 7, 2000, the signatory operator (or any related person to the

operator) had paid to the Combined Fund any premium amount that had not been refunded.

''(2) PAYMENTS TO STATES AND INDIAN TRIBES.—Subject to paragraph (3), out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of the Interior for distribution to States and Indian tribes such sums as are necessary to pay amounts described in paragraphs (1)(A) and (2)(A) of section 411(h).

''(3) LIMITATIONS.—

''(A) CAP.—The total amount transferred under this subsection for any fiscal year shall not exceed $490,000,000.

''(B) INSUFFICIENT AMOUNTS.—In a case in which the amount required to be transferred without regard to this paragraph exceeds the maximum annual limitation in subparagraph (A), the Secretary shall adjust the transfers of funds so that—

''(i) each transfer for the fiscal year is a percentage of the amount described;

''(ii) the amount is determined without regard to subsection (h)(5)(A); and

''(iii) the percentage transferred is the same for all transfers made under this subsection for the fiscal year.

''(4) AVAILABILITY OF FUNDS.—Funds shall be transferred under paragraph (1) and (2) beginning in fiscal year 2008 and each fiscal year thereafter, and shall remain available until expended.''.

SEC. 203. OBJECTIVES OF FUND.

Section 403 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''(1) the protection'' and inserting the following:

''(1)(A) the protection;'';

(ii) in subparagraph (A) (as designated by clause (i)), by striking ''general welfare,''; and

(iii) by adding at the end the following:

''(B) the restoration of land and water resources and the environment that—

''(i) have been degraded by the adverse effects of coal mining practices; and

''(ii) are adjacent to a site that has been or will be remediated under subparagraph (A);'';

(B) in paragraph (2)—

(i) by striking ''(2) the protection'' and inserting the following:

''(2)(A) the protection'';

(ii) in subparagraph (A) (as designated by clause (i), by striking ''health, safety, and general welfare'' and inserting ''health and safety''; and

(iii) by adding at the end the following:

''(B) the restoration of land and water resources and the environment that—

''(i) have been degraded by the adverse effects of coal mining practices; and

''(ii) are adjacent to a site that has been or will be remediated under subparagraph (A); and'';

(C) in paragraph (3), by striking the semicolon at the end and inserting a period; and

(D) by striking paragraphs (4) and (5);

(2) in subsection (b)—

(A) by striking the subsection heading and inserting ''WATER SUPPLY RESTORATION.—''; and

(B) in paragraph (1), by striking ''up to 30 percent of the''; and

(3) in the second sentence of subsection (c), by inserting '', subject to the approval of the Secretary,'' after ''amendments''.

SEC. 204. RECLAMATION OF RURAL LAND.

(a) ADMINISTRATION.—Section 406(h) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1236(h)) is amended by striking ''Soil Conservation Service'' and inserting ''Natural Resources Conservation Service''.

(b) AUTHORIZATION OF APPROPRIATIONS FOR CARRYING OUT RURAL LAND RECLAMATION.—Section 406 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1236) is amended by adding at the end the following:

''(i) There are authorized to be appropriated to the Secretary of Agriculture, from amounts in the Treasury other than amounts in the fund, such sums as may be necessary to carry out this section.''.

SEC. 205. LIENS.

Section 408(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1238) is amended in the last sentence by striking ''who owned the surface prior to May 2, 1977, and''.

SEC. 206. CERTIFICATION.

Section 411 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1240a) is amended—

(1) in subsection (a)—

(A) by inserting ''(1)'' before the first sentence; and

(B) by adding at the end the following:

''(2)(A) The Secretary may, on the initiative of the Secretary, make the certification referred to in paragraph (1) on behalf of any State or Indian tribe referred to in paragraph (1) if on the basis of the inventory referred to in section 403(c) all reclamation projects relating to the priorities described in section 403(a) for eligible land and water pursuant to section 404 in the State or tribe have been completed.

''(B) The Secretary shall only make the certification after notice in the Federal Register and opportunity for public comment.''; and

(2) by adding at the end the following:

''(h) PAYMENTS TO STATES AND INDIAN TRIBES.—

''(1) IN GENERAL.—

''(A) PAYMENTS.—

''(i) IN GENERAL.—Notwithstanding section 401(f)(3)(B), from funds referred to in section 402(i)(2), the Secretary shall make payments to States or Indian tribes for the amount due for the aggregate unappropriated amount allocated to the State or Indian tribe under subparagraph (A) or (B) of section 402(g)(1).

''(ii) CONVERSION AS EQUIVALENT PAYMENTS.—Amounts allocated under subparagraphs (A) or (B) of section 402(g)(1) shall be reallocated to the allocation established in section 402(g)(5) in amounts equivalent to payments made to States or Indian tribes under this paragraph.

''(B) AMOUNT DUE.—In this paragraph, the term 'amount due' means the unappropriated amount allocated to a State or Indian tribe before October 1, 2007, under subparagraph (A) or (B) of section 402(g)(1).

''(C) SCHEDULE.—Payments under subparagraph (A) shall be made in 7 equal annual installments, beginning with fiscal year 2008.

''(D) USE OF FUNDS.—

''(i) CERTIFIED STATES AND INDIAN TRIBES.—A State or Indian tribe that makes a certification under subsection (a) in which the Secretary concurs shall use any amounts provided under this paragraph for the purposes established by the State legislature or tribal council of the Indian tribe, with priority given for addressing the impacts of mineral development.

''(ii) UNCERTIFIED STATES AND INDIAN TRIBES.—A State or Indian tribe that has not made a certification under subsection (a) in which the Secretary has concurred shall use any amounts provided under this paragraph for the purposes described in section 403.

''(2) SUBSEQUENT STATE AND INDIAN TRIBE SHARE FOR CERTIFIED STATES AND INDIAN TRIBES.—

''(A) IN GENERAL.—Notwithstanding section 401(f)(3)(B), from funds referred to in section 402(i)(2), the Secretary shall pay to each certified State or Indian tribe an amount equal to the sum of the aggregate unappropriated amount allocated on or after October 1, 2007, to the certified State or Indian tribe under subparagraph (A) or (B) of section 402(g)(1).

''(B) CERTIFIED STATE OR INDIAN TRIBE DEFINED.—In this paragraph the term 'certified State or Indian tribe' means a State or Indian tribe for which a certification is made under subsection (a) in which the Secretary concurs.

''(3) MANNER OF PAYMENT.—

''(A) IN GENERAL.—Subject to subparagraph (B), payments to States or Indian tribes under this subsection shall be made without regard to any limitation in section 401(d) and concurrently with payments to States under that section.

''(B) INITIAL PAYMENTS.—The first 3 payments made to any State or Indian tribe shall be reduced to 25 percent, 50 percent, and 75 percent, respectively, of the amounts otherwise required under paragraph (2)(A).

''(C) INSTALLMENTS.—Amounts withheld from the first 3 annual installments as provided under subparagraph (B) shall be paid in 2 equal annual installments beginning with fiscal year 2018.

''(4) REALLOCATION.—

''(A) IN GENERAL.—The amount allocated to any State or Indian tribe under subparagraph (A) or (B) of section 402(g)(1) that is paid to the State or Indian tribe as a result of a payment under paragraph (1) or (2) shall be reallocated and available for grants under section 402(g)(5).

''(B) ALLOCATION.—The grants shall be allocated based on the amount of coal historically produced before August 3, 1977, in the same manner as under section 402(g)(5).''.

SEC. 207. REMINING INCENTIVES.

Title IV of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231 et seq.) is amended by adding at the following:

''SEC. 415. REMINING INCENTIVES.

''(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary may, after opportunity for public comment, promulgate regulations that describe conditions under which amounts in the fund may be used to provide incentives to promote remining of eligible land under section 404 in a manner that leverages the use of amounts from the fund to achieve more reclamation with respect to the eligible land than would be achieved without the incentives.

''(b) REQUIREMENTS.—Any regulations promulgated under subsection (a) shall specify that the incentives shall apply only if the Secretary determines, with the concurrence of the State regulatory authority referred to in title V, that, without the incentives, the eligible land would not be likely to be remined and reclaimed.

''(c) INCENTIVES.—

''(1) IN GENERAL.—Incentives that may be considered for inclusion in the regulations promulgated under subsection (a) include, but are not limited to—

''(A) a rebate or waiver of the reclamation fees required under section 402(a); and

''(B) the use of amounts in the fund to provide financial assurance for remining operations in lieu of all or a portion of the performance bonds required under section 509.

''(2) LIMITATIONS.—

''(A) USE.—A rebate or waiver under paragraph (1)(A) shall be used only for operations that—

''(i) remove or reprocess abandoned coal mine waste; or

''(ii) conduct remining activities that meet the priorities specified in paragraph (1) or (2) of section 403(a).

''(B) AMOUNT.—The amount of a rebate or waiver provided as an incentive under paragraph (1)(A) to remine or reclaim eligible

land shall not exceed the estimated cost of reclaiming the eligible land under this section.''.

SEC. 208. EXTENSION OF LIMITATION ON APPLICATION OF PROHIBITION ON ISSUANCE OF PERMIT.

Section 510(e) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1260(e)) is amended by striking the last sentence.

SEC. 209. TRIBAL REGULATION OF SURFACE COAL MINING AND RECLAMATION OPERATIONS.

(a) IN GENERAL.—Section 710 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1300) is amended by adding at the end the following:

''(j) TRIBAL REGULATORY AUTHORITY.—

''(1) TRIBAL REGULATORY PROGRAMS.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, an Indian tribe may apply for, and obtain the approval of, a tribal program under section 503 regulating in whole or in part surface coal mining and reclamation operations on reservation land under the jurisdiction of the Indian tribe using the procedures of section 504(e).

''(B) REFERENCES TO STATE.—For purposes of this subsection and the implementation and administration of a tribal program under title V, any reference to a 'State' in this Act shall be considered to be a reference to a 'tribe'.

''(2) CONFLICTS OF INTEREST.—

''(A) IN GENERAL.—The fact that an individual is a member of an Indian tribe does not in itself constitute a violation of section 201(f).

''(B) EMPLOYEES OF TRIBAL REGULATORY AUTHORITY.—Any employee of a tribal regulatory authority shall not be eligible for a per capita distribution of any proceeds from coal mining operations conducted on Indian reservation lands under this Act.

''(3) SOVEREIGN IMMUNITY.—To receive primary regulatory authority under section 504(e), an Indian tribe shall waive sovereign immunity for purposes of section 520 and paragraph (4).

''(4) JUDICIAL REVIEW.—

''(A) CIVIL ACTIONS.—

''(i) IN GENERAL.—After exhausting all tribal remedies with respect to a civil action arising under a tribal program approved under section 504(e), an interested party may file a petition for judicial review of the civil action in the United States circuit court for the circuit in which the surface coal mining operation named in the petition is located.

''(ii) SCOPE OF REVIEW.—

''(I) QUESTIONS OF LAW.—The United States circuit court shall review de novo any questions of law under clause (i).

''(II) FINDINGS OF FACT.—The United States circuit court shall review findings of fact under clause (i) using a clearly erroneous standard.

''(B) CRIMINAL ACTIONS.—Any criminal action brought under section 518 with respect to surface coal mining or reclamation operations on Indian reservation lands shall be brought in—

''(i) the United States District Court for the District of Columbia; or

''(ii) the United States district court in which the criminal activity is alleged to have occurred.

''(5) GRANTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), grants for developing, administering, and enforcing tribal programs approved in accordance with section 504(e) shall be provided to an Indian tribe in accordance with section 705.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), the Federal share of the costs of developing, administering, and enforcing an approved tribal program shall be 100 percent.

''(6) REPORT.—Not later than 18 months after the date on which a tribal program is approved under subsection (e) of section 504, the Secretary shall submit to the appropriate committees of Congress a report, developed in cooperation with the applicable Indian tribe, on the tribal program that includes a recommendation of the Secretary on whether primary regulatory authority under that subsection should be expanded to include additional Indian lands.''.

(b) CONFORMING AMENDMENT.—Section 710(i) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1300(i)) is amended in the first sentence by striking '', except'' and all that follows through ''section 503''.

Subtitle B—Coal Industry Retiree Health Benefit Act

SEC. 211. CERTAIN RELATED PERSONS AND SUCCESSORS IN INTEREST RELIEVED OF LIABILITY IF PREMIUMS PREPAID.

(a) COMBINED BENEFIT FUND.—Section 9704 of the Internal Revenue Code of 1986 (relating to liability of assigned operators) is amended by adding at the end the following new subsection:

''(j) PREPAYMENT OF PREMIUM LIABILITY.—

''(1) IN GENERAL.—If—

''(A) a payment meeting the requirements of paragraph (3) is made to the Combined Fund by or on behalf of—

''(i) any assigned operator to which this subsection applies, or

''(ii) any related person to any assigned operator described in clause (i), and

''(B) the common parent of the controlled group of corporations described in paragraph (2)(B) is jointly and severally liable for any premium under this section which (but for this subsection) would be required to be paid by the assigned operator or related person,

then such common parent (and no other person) shall be liable for such premium.

''(2) ASSIGNED OPERATORS TO WHICH SUBSECTION APPLIES.—

''(A) IN GENERAL.—This subsection shall apply to any assigned operator if—

''(i) the assigned operator (or a related person to the assigned operator)—

''(I) made contributions to the 1950 UMWA Benefit Plan and the 1974 UMWA Benefit Plan for employment during the period covered by the 1988 agreement; and

''(II) is not a 1988 agreement operator,

''(ii) the assigned operator (and all related persons to the assigned operator) are not actively engaged in the production of coal as of July 1, 2005, and

''(iii) the assigned operator was, as of July 20, 1992, a member of a controlled group of corporations described in subparagraph (B).

''(B) CONTROLLED GROUP OF CORPORATIONS.—A controlled group of corporations is described in this subparagraph if the common parent of such group is a corporation the shares of which are publicly traded on a United States exchange.

''(C) COORDINATION WITH REPEAL OF ASSIGNMENTS.—A person shall not fail to be treated as an assigned operator to which this subsection applies solely because the person ceases to be an assigned operator by reason of section 9706(h)(1) if the person otherwise meets the requirements of this subsection and is liable for the payment of premiums under section 9706(h)(3).

''(D) CONTROLLED GROUP.—For purposes of this subsection, the term 'controlled group of corporations' has the meaning given such term by section 52(a).

''(3) REQUIREMENTS.—A payment meets the requirements of this paragraph if—

''(A) the amount of the payment is not less than the present value of the total premium liability under this chapter with respect to the Combined Fund of the assigned operators or related persons described in paragraph (1) or their assignees, as determined by the operator's or related person's enrolled actuary (as defined in section 7701(a)(35)) using actuarial methods and assumptions each of which is reasonable and which are reasonable in the aggregate, as determined by such enrolled actuary;

''(B) such enrolled actuary files with the Secretary of Labor a signed actuarial report containing—

''(i) the date of the actuarial valuation applicable to the report; and

''(ii) a statement by the enrolled actuary signing the report that, to the best of the actuary's knowledge, the report is complete and accurate and that in the actuary's opinion the actuarial assumptions used are in the aggregate reasonably related to the experience of the operator and to reasonable expectations; and

''(C) 90 calendar days have elapsed after the report required by subparagraph (B) is filed with the Secretary of Labor, and the Secretary of Labor has not notified the assigned operator in writing that the requirements of this paragraph have not been satisfied.

''(4) USE OF PREPAYMENT.—The Combined Fund shall—

''(A) establish and maintain an account for each assigned operator or related person by, or on whose behalf, a payment described in paragraph (3) was made,

''(B) credit such account with such payment (and any earnings thereon), and

''(C) use all amounts in such account exclusively to pay premiums that would (but for this subsection) be required to be paid by the assigned operator.

Upon termination of the obligations for the premium liability of any assigned operator or related person for which such account is maintained, all funds remaining in such account (and earnings thereon) shall be refunded to such person as may be designated by the common parent described in paragraph (1)(B).''.

(b) INDIVIDUAL EMPLOYER PLANS.—Section 9711(c) of the Internal Revenue Code of 1986 (relating to joint and several liability) is amended to read as follows:

''(c) JOINT AND SEVERAL LIABILITY OF RELATED PERSONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), each related person of a last signatory operator to which subsection (a) or (b) applies shall be jointly and severally liable with the last signatory operator for the provision of health care coverage described in subsection (a) or (b).

''(2) LIABILITY LIMITED IF SECURITY PROVIDED.—If—

''(A) security meeting the requirements of paragraph (3) is provided by or on behalf of—

''(i) any last signatory operator which is an assigned operator described in section 9704(j)(2), or

''(ii) any related person to any last signatory operator described in clause (i), and

''(B) the common parent of the controlled group of corporations described in section 9704(j)(2)(B) is jointly and severally liable for the provision of health care under this section which, but for this paragraph, would be required to be provided by the last signatory operator or related person,

then, as of the date the security is provided, such common parent (and no other person) shall be liable for the provision of health care under this section which the last signatory operator or related person would otherwise be required to provide. Security may be provided under this paragraph without regard to whether a payment was made under section 9704(j).

''(3) SECURITY.—Security meets the requirements of this paragraph if—

''(A) the security—

''(i) is in the form of a bond, letter of credit, or cash escrow,

''(ii) is provided to the trustees of the 1992 UMWA Benefit Plan solely for the purpose of paying premiums for beneficiaries who would be described in section 9712(b)(2)(B) if the requirements of this section were not met by the last signatory operator, and

''(iii) is in an amount equal to 1 year of liability of the last signatory operator under this section, determined by using the average cost of such operator's liability during the prior 3 calendar years;

''(B) the security is in addition to any other security required under any other provision of this title; and

''(C) the security remains in place for 5 years.

''(4) REFUNDS OF SECURITY.—The remaining amount of any security provided under this subsection (and earnings thereon) shall be refunded to the last signatory operator as of the earlier of—

''(A) the termination of the obligations of the last signatory operator under this section, or

''(B) the end of the 5-year period described in paragraph (4)(C).''.

(c) 1992 UMWA BENEFIT PLAN.—Section 9712(d)(4) of the Internal Revenue Code of 1986 (relating to joint and several liability) is amended by adding at the end the following new sentence: ''The provisions of section 9711(c)(2) shall apply to any last signatory operator described in such section (without regard to whether security is provided under such section, a payment is made under section 9704(j), or both) and if security meeting the requirements of section 9711(c)(3) is provided, the common parent described in section 9711(c)(2)(B) shall be exclusively responsible for any liability for premiums under this section which, but for this sentence, would be required to be paid by the last signatory operator or any related person.''.

(d) SUCCESSOR IN INTEREST.—Section 9701(c) of the Internal Revenue Code of 1986 (relating to terms relating to operators) is amended by adding at the end the following new paragraph:

''(8) SUCCESSOR IN INTEREST.—

''(A) SAFE HARBOR.—The term 'successor in interest' shall not include any person who—

''(i) is an unrelated person to an eligible seller described in subparagraph (C); and

''(ii) purchases for fair market value assets, or all of the stock, of a related person to such seller, in a bona fide, arm's-length sale.

''(B) UNRELATED PERSON.—The term 'unrelated person' means a purchaser who does not bear a relationship to the eligible seller described in section 267(b).

''(C) ELIGIBLE SELLER.—For purposes of this paragraph, the term 'eligible seller' means an assigned operator described in section 9704(j)(2) or a related person to such assigned operator.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, except that the amendment made by subsection (d) shall apply to transactions after the date of the enactment of this Act.

SEC. 212. TRANSFERS TO FUNDS; PREMIUM RELIEF.

(a) COMBINED FUND.—

(1) FEDERAL TRANSFERS.—Section 9705(b) of the Internal Revenue Code of 1986 (relating to transfers from Abandoned Mine Reclamation Fund) is amended—

(A) in paragraph (1), by striking ''section 402(h)'' and inserting ''subsections (h) and (i) of section 402'';

(B) by striking paragraph (2) and inserting the following new paragraph:

''(2) USE OF FUNDS.—Any amount transferred under paragraph (1) for any fiscal year shall be used to pay benefits and administrative costs of beneficiaries of the Combined Fund or for such other purposes as are specifically provided in the Acts described in paragraph (1).''; and

(C) by striking ''FROM ABANDONED MINE RECLAMATION FUND'' in the heading thereof.

(2) MODIFICATIONS OF PREMIUMS TO REFLECT FEDERAL TRANSFERS.—

(A) ELIMINATION OF UNASSIGNED BENEFICIARIES PREMIUM.—Section 9704(d) of such Code (establishing unassigned beneficiaries premium) is amended to read as follows:

''(d) UNASSIGNED BENEFICIARIES PREMIUM.—

''(1) PLAN YEARS ENDING ON OR BEFORE SEPTEMBER 30, 2006.—For plan years ending on or before September 30, 2006, the unassigned beneficiaries premium for any assigned operator shall be equal to the applicable percentage of the product of the per beneficiary premium for the plan year multiplied by the number of eligible beneficiaries who are not assigned under section 9706 to any person for such plan year.

''(2) PLAN YEARS BEGINNING ON OR AFTER OCTOBER 1, 2006.—

''(A) IN GENERAL.—For plan years beginning on or after October 1, 2006, subject to subparagraph (B), there shall be no unassigned beneficiaries premium, and benefit costs with respect to eligible beneficiaries who are not assigned under section 9706 to any person for any such plan year shall be paid from amounts transferred under section 9705(b).

''(B) INADEQUATE TRANSFERS.—If, for any plan year beginning on or after October 1, 2006, the amounts transferred under section 9705(b) are less than the amounts required to be transferred to the Combined Fund under subsection (h)(2)(A) or (i) of section 402 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232)), then the unassigned beneficiaries premium for any assigned operator shall be equal to the operator's applicable percentage of the amount required to be so transferred which was not so transferred.''.

(B) PREMIUM ACCOUNTS.—

(i) CREDITING OF ACCOUNTS.—Section 9704(e)(1) of such Code (relating to premium accounts; adjustments) is amended by inserting ''and amounts transferred under section 9705(b)'' after ''premiums received''.

(ii) SURPLUSES ATTRIBUTABLE TO PUBLIC FUNDING.—Section 9704(e)(3)(A) of such Code is amended by adding at the end the following new sentence: ''Amounts credited to an account from amounts transferred under section 9705(b) shall not be taken into account in determining whether there is a surplus in the account for purposes of this paragraph.''

(C) APPLICABLE PERCENTAGE.—Section 9704(f)(2) of such Code (relating to annual adjustments) is amended by adding at the end the following new subparagraph:

''(C) In the case of plan years beginning on or after October 1, 2007, the total number of assigned eligible beneficiaries shall be reduced by the eligible beneficiaries whose assignments have been revoked under section 9706(h).''.

(3) ASSIGNMENTS AND REASSIGNMENT.—Section 9706 of the Internal Revenue Code of 1986 (relating to assignment of eligible beneficiaries) is amended by adding at the end the following:

''(h) ASSIGNMENTS AS OF OCTOBER 1, 2007.—

''(1) IN GENERAL.—Subject to the premium obligation set forth in paragraph (3), the Commissioner of Social Security shall—

''(A) revoke all assignments to persons other than 1988 agreement operators for purposes of assessing premiums for plan years beginning on and after October 1, 2007; and

''(B) make no further assignments to persons other than 1988 agreement operators, except that no individual who becomes an unassigned beneficiary by reason of subparagraph (A) may be assigned to a 1988 agreement operator.

''(2) REASSIGNMENT UPON PURCHASE.—This subsection shall not be construed to prohibit the reassignment under subsection (b)(2) of an eligible beneficiary.

''(3) LIABILITY OF PERSONS DURING THREE FISCAL YEARS BEGINNING ON AND AFTER OCTOBER 1, 2007.—In the case of each of the fiscal years beginning on October 1, 2007, 2008, and 2009, each person other than a 1988 agreement operator shall pay to the Combined Fund the following percentage of the amount of annual premiums that such person would otherwise be required to pay under section 9704(a), determined on the basis of assignments in effect without regard to the revocation of assignments under paragraph (1)(A):

''(A) For the fiscal year beginning on October 1, 2007, 55 percent.

''(B) For the fiscal year beginning on October 1, 2008, 40 percent.

''(C) For the fiscal year beginning on October 1, 2009, 15 percent.''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to plan years of the Combined Fund beginning after September 30, 2006.

(b) 1992 UMWA BENEFIT AND OTHER PLANS.—

(1) TRANSFERS TO PLANS.—Section 9712(a) of the Internal Revenue Code of 1986 (relating to the establishment and coverage of the 1992 UMWA Benefit Plan) is amended by adding at the end the following:

''(3) TRANSFERS UNDER OTHER FEDERAL STATUTES.—

''(A) IN GENERAL.—The 1992 UMWA Benefit Plan shall include any amount transferred to the plan under subsections (h) and (i) of section 402 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232).

''(B) USE OF FUNDS.—Any amount transferred under subparagraph (A) for any fiscal year shall be used to provide the health benefits described in subsection (c) with respect to any beneficiary for whom no monthly per beneficiary premium is paid pursuant to paragraph (1)(A) or (3) of subsection (d).

''(4) SPECIAL RULE FOR 1993 PLAN.—

''(A) IN GENERAL.—The plan described in section 402(h)(2)(C) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(h)(2)(C)) shall include any amount transferred to the plan under subsections (h) and (i) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232).

''(B) USE OF FUNDS.—Any amount transferred under subparagraph (A) for any fiscal year shall be used to provide the health benefits described in section 402(h)(2)(C)(i) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(h)(2)(C)(i)) to individuals described in section 402(h)(2)(C) of such Act (30 U.S.C. 1232(h)(2)(C)).''.

(2) PREMIUM ADJUSTMENTS.—

(A) IN GENERAL.—Section 9712(d)(1) of such Code (relating to guarantee of benefits) is amended to read as follows:

''(1) IN GENERAL.—All 1988 last signatory operators shall be responsible for financing the benefits described in subsection (c) by meeting the following requirements in accordance with the contribution requirements established in the 1992 UMWA Benefit Plan:

''(A) The payment of a monthly per beneficiary premium by each 1988 last signatory operator for each eligible beneficiary of such operator who is described in subsection (b)(2) and who is receiving benefits under the 1992 UMWA benefit plan.

''(B) The provision of a security (in the form of a bond, letter of credit, or cash escrow) in an amount equal to a portion of the projected future cost to the 1992 UMWA Benefit Plan of providing health benefits for eligible and potentially eligible beneficiaries attributable to the 1988 last signatory operator.

''(C) If the amounts transferred under subsection (a)(3) are less than the amounts required to be transferred to the 1992 UMWA Benefit Plan under subsections (h) and (i) of section 402 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232), the payment of an additional backstop premium by each 1988 last signatory operator which is equal to such operator's share of the amounts required to be so transferred but which were not so transferred, determined on the basis of the number of eligible and potentially eligible beneficiaries attributable to the operator.''.

(B) CONFORMING AMENDMENTS.—Section 9712(d) of such Code is amended—

(i) in paragraph (2)(B), by striking ''prefunding'' and inserting ''backstop'', and

(ii) in paragraph (3), by striking ''paragraph (1)(B)'' and inserting ''paragraph (1)(A)''.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to fiscal years beginning on or after October 1, 2010.

SEC. 213. OTHER PROVISIONS.

(a) BOARD OF TRUSTEES.—Section 9702(b) of the Internal Revenue Code of 1986 (relating to board of trustees of the Combined Fund) is amended to read as follows:

''(b) BOARD OF TRUSTEES.—

''(1) IN GENERAL.—For purposes of subsection (a), the board of trustees for the Combined Fund shall be appointed as follows:

''(A) 2 individuals who represent employers in the coal mining industry shall be designated by the BCOA;

''(B) 2 individuals designated by the United Mine Workers of America; and

''(C) 3 individuals selected by the individuals appointed under subparagraphs (A) and (B).

''(2) SUCCESSOR TRUSTEES.—Any successor trustee shall be appointed in the same manner as the trustee being succeeded. The plan establishing the Combined Fund shall provide for the removal of trustees.

''(3) SPECIAL RULE.—If the BCOA ceases to exist, any trustee or successor under paragraph (1)(A) shall be designated by the 3 employers who were members of the BCOA on the enactment date and who have been assigned the greatest number of eligible beneficiaries under section 9706.''.

(b) ENFORCEMENT OF OBLIGATIONS.—

(1) FAILURE TO PAY PREMIUMS.—Section 9707(a) of the Internal Revenue Code of 1986 is amended to read as follows:

''(a) FAILURES TO PAY.—

''(1) PREMIUMS FOR ELIGIBLE BENEFICIARIES.—There is hereby imposed a penalty on the failure of any assigned operator to pay any premium required to be paid under section 9704 with respect to any eligible beneficiary.

''(2) CONTRIBUTIONS REQUIRED UNDER THE MINING LAWS.—There is hereby imposed a penalty on the failure of any person to make a contribution required under section 402(h)(5)(B)(ii) of the Surface Mining Control and Reclamation Act of 1977 to a plan referred to in section 402(h)(2)(C) of such Act. For purposes of applying this section, each such required monthly contribution for the hours worked of any individual shall be treated as if it were a premium required to be paid under section 9704 with respect to an eligible beneficiary.''.

(2) CIVIL ENFORCEMENT.—Section 9721 of such Code is amended to read as follows:

''SEC. 9721. CIVIL ENFORCEMENT.

''The provisions of section 4301 of the Employee Retirement Income Security Act of 1974 shall apply, in the same manner as any claim arising out of an obligation to pay withdrawal liability under subtitle E of title IV of such Act, to any claim—

''(1) arising out of an obligation to pay any amount required to be paid by this chapter; or

''(2) arising out of an obligation to pay any amount required by section 402(h)(5)(B)(ii) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(h)(5)(B)(ii)).''.

TITLE III—WHITE PINE COUNTY CONSERVATION, RECREATION, AND DEVELOPMENT

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

SEC. 302. SHORT TITLE.

This title may be cited as the ''White Pine County Conservation, Recreation, and Development Act of 2006''.

SEC. 303. DEFINITIONS.

In this title:

(1) COUNTY.—The term ''County'' means White Pine County, Nevada.

(2) SECRETARY.—The term ''Secretary'' means—

(A) with respect to land in the National Forest System, the Secretary of Agriculture; and

(B) with respect to other Federal land, the Secretary of the Interior.

(3) STATE.—The term ''State'' means the State of Nevada.

Subtitle A—Land Disposal

SEC. 311. CONVEYANCE OF WHITE PINE COUNTY, NEVADA, LAND.

(a) IN GENERAL.—Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary, in cooperation with the County, in accordance with that Act, this subtitle, and other applicable law and subject to valid existing rights, shall, at such time as the parcels of Federal land become available for disposal, conduct sales of the parcels of Federal land described in subsection (b) to qualified bidders.

(b) DESCRIPTION OF LAND.—The parcels of Federal land referred to in subsection (a) consist of not more than 45,000 acres of Bureau of Land Management land in the County that—

(1) is not segregated or withdrawn on or after the date of enactment of this Act, unless the land is withdrawn in accordance with subsection (h); and

(2) is identified for disposal by the Bureau of Land Management through—

(A) the Ely Resource Management Plan; or

(B) a subsequent amendment to the management plan that is undertaken with full public involvement.

(c) AVAILABILITY.—The map and any legal descriptions of the Federal land conveyed under this section shall be on file and available for public inspection in—

(1) the Office of the Director of the Bureau of Land Management;

(2) the Office of the Nevada State Director of the Bureau of Land Management; and

(3) the Ely Field Office of the Bureau of Land Management.

(d) JOINT SELECTION REQUIRED.—The Secretary and the County shall jointly select which parcels of Federal land described in subsection (b) to offer for sale under subsection (a).

(e) COMPLIANCE WITH LOCAL PLANNING AND ZONING LAWS.—Before a sale of Federal land under subsection (a), the County shall submit to the Secretary a certification that qualified bidders have agreed to comply with—

(1) County and city zoning ordinances; and

(2) any master plan for the area approved by the County.

(f) METHOD OF SALE; CONSIDERATION.—The sale of Federal land under subsection (a) shall be—

(1) consistent with subsections (d) and (f) of section 203 of the Federal Land Management Policy Act of 1976 (43 U.S.C. 1713);

(2) unless otherwise determined by the Secretary, through a competitive bidding process; and

(3) for not less than fair market value.

(g) RECREATION AND PUBLIC PURPOSES ACT CONVEYANCES.—

(1) IN GENERAL.—Not later than 30 days before land is offered for sale under subsection (a), the State or County may elect to obtain any of the land for local public purposes in accordance with the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.).

(2) RETENTION.—Pursuant to an election made under paragraph (1), the Secretary shall retain the elected land for conveyance to the State or County in accordance with the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.).

(h) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights and except as provided in paragraph (2), the Federal land described in subsection (b) is withdrawn from—

(A) all forms of entry and appropriation under the public land laws and mining laws;

(B) location and patent under the mining laws; and

(C) operation of the mineral laws, geothermal leasing laws, and mineral material laws.

(2) EXCEPTION.—Paragraph (1)(A) shall not apply to sales made consistent with this section or an election by the County or the State to obtain the land described in subsection (b) for public purposes under the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'')(43 U.S.C. 869 et seq.).

(i) DEADLINE FOR SALE.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 1 year after the date of the signing of the record of decision authorizing the implementation of the Ely Resource Management Plan and annually thereafter until the Federal land described in subsection (b) is disposed of or the County requests a postponement under paragraph (2), the Secretary shall offer for sale the Federal land described in subsection (b).

(2) POSTPONEMENT; EXCLUSION FROM SALE.—

(A) REQUEST BY COUNTY FOR POSTPONEMENT OR EXCLUSION.—At the request of the County, the Secretary shall postpone or exclude from the sale all or a portion of the land described in subsection (b).

(B) INDEFINITE POSTPONEMENT.—Unless specifically requested by the County, a postponement under subparagraph (A) shall not be indefinite.

SEC. 312. DISPOSITION OF PROCEEDS.

Of the proceeds from the sale of Federal land described in section __11(b)—

(1) 5 percent shall be paid directly to the State for use in the general education program of the State;

(2) 10 percent shall be paid to the County for use for fire protection, law enforcement, education, public safety, housing, social services, transportation, and planning; and

(3) the remainder shall be deposited in a special account in the Treasury of the United States, to be known as the ''White Pine County Special Account'' (referred to in this subtitle as the ''special account''), and

shall be available without further appropriation to the Secretary until expended for—

(A) the reimbursement of costs incurred by the Nevada State office and the Ely Field Office of the Bureau of Land Management for preparing for the sale of Federal land described in section __11(b), including the costs of surveys and appraisals and compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713);

(B) the inventory, evaluation, protection, and management of unique archaeological resources (as defined in section 3 of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb)) of the County;

(C) the reimbursement of costs incurred by the Department of the Interior for preparing and carrying out the transfers of land to be held in trust by the United States under section __61;

(D) conducting a study of routes for the Silver State Off-Highway Vehicle Trail as required by section __55(a);

(E) developing and implementing the Silver State Off-Highway Vehicle Trail management plan described in section __55(c);

(F) wilderness protection and processing wilderness designations, including the costs of appropriate fencing, signage, public education, and enforcement for the wilderness areas designated;

(G) if the Secretary determines necessary, developing and implementing conservation plans for endangered or at risk species in the County; and

(H) carrying out a study to assess non-motorized recreation opportunities on Federal land in the County.

Subtitle B—Wilderness Areas

SEC. 321. SHORT TITLE.

This subtitle may be cited as the ''Pam White Wilderness Act of 2006''.

SEC. 322. FINDINGS.

Congress finds that—

(1) public land in the County contains unique and spectacular natural resources, including—

(A) priceless habitat for numerous species of plants and wildlife; and

(B) thousands of acres of land that remain in a natural state; and

(2) continued preservation of those areas would benefit the County and all of the United States by—

(A) ensuring the conservation of ecologically diverse habitat;

(B) protecting prehistoric cultural resources;

(C) conserving primitive recreational resources; and

(D) protecting air and water quality.

SEC. 323. ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM.

(a) ADDITIONS.—The following land in the State is designated as wilderness and as components of the National Wilderness Preservation System:

(1) MT. MORIAH WILDERNESS ADDITION.—Certain Federal land managed by the Forest Service and the Bureau of Land Management, comprising approximately 11,261 acres, as generally depicted on the map entitled ''Eastern White Pine County'' and dated November 29, 2006, is incorporated in, and shall be managed as part of, the Mt. Moriah Wilderness, as designated by section 2(13) of the Nevada Wilderness Protection Act of 1989 (16 U.S.C. 1132 note; Public Law 101–195).

(2) MOUNT GRAFTON WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 78,754 acres, as generally depicted on the map entitled ''Southern White Pine County'' and dated November 29, 2006, which shall be known as the ''Mount Grafton Wilderness''.

(3) SOUTH EGAN RANGE WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 67,214 acres, as generally depicted on the map entitled ''Southern White Pine County'' and dated November 29, 2006, which shall be known as the ''South Egan Range Wilderness''.

(4) HIGHLAND RIDGE WILDERNESS.—Certain Federal land managed by the Bureau of Land Management and the Forest Service, comprising approximately 68,627 acres, as generally depicted on the map entitled ''Southern White Pine County'' and dated November 29, 2006, which shall be known as the ''Highland Ridge Wilderness''.

(5) GOVERNMENT PEAK WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 6,313 acres, as generally depicted on the map entitled ''Eastern White Pine County'' and dated November 29, 2006, which shall be known as the ''Government Peak Wilderness''.

(6) CURRANT MOUNTAIN WILDERNESS ADDITION.—Certain Federal land managed by the Forest Service, comprising approximately 10,697 acres, as generally depicted on the map entitled ''Western White Pine County'' and dated November 29, 2006, is incorporated in, and shall be managed as part of, the ''Currant Mountain Wilderness'', as designated by section 2(4) of the Nevada Wilderness Protection Act of 1989 (16 U.S.C. 1132 note; Public Law 101–195).

(7) RED MOUNTAIN WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately 20,490 acres, as generally depicted on the map entitled ''Western White Pine County'' and dated November 29, 2006, which shall be known as the ''Red Mountain Wilderness''.

(8) BALD MOUNTAIN WILDERNESS.—Certain Federal land managed by the Bureau of Land Management and the Forest Service, comprising approximately 22,366 acres, as generally depicted on the map entitled ''Western White Pine County'' and dated November 29, 2006, which shall be known as the ''Bald Mountain Wilderness''.

(9) WHITE PINE RANGE WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately 40,013 acres, as generally depicted on the map entitled ''Western White Pine County'' and dated November 29, 2006, which shall be known as the ''White Pine Range Wilderness''.

(10) SHELLBACK WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately 36,143 acres, as generally depicted on the map entitled ''Western White Pine County'' and dated November 29, 2006, which shall be known as the ''Shellback Wilderness''.

(11) HIGH SCHELLS WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately 121,497 acres, as generally depicted on the map entitled ''Eastern White Pine County'' and dated November 29, 2006, which shall be known as the ''High Schells Wilderness''.

(12) BECKY PEAK WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 18,119 acres, as generally depicted on the map entitled ''Northern White Pine County'' and dated November 29, 2006, which shall be known as the ''Becky Peak Wilderness''.

(13) GOSHUTE CANYON WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 42,544 acres, as generally depicted on the map entitled ''Northern White Pine County'' and dated November 29, 2006, which shall be known as the ''Goshute Canyon Wilderness''.

(14) BRISTLECONE WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 14,095 acres, as generally depicted on the map entitled ''Eastern White Pine County'' and dated November 29, 2006, which shall be known as the ''Bristlecone Wilderness''.

(b) BOUNDARY.—The boundary of any portion of a wilderness area designated by subsection (a) that is bordered by a road shall be at least 100 feet from the edge of the road to allow public access.

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of each wilderness area designated by subsection (a) with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(2) EFFECT.—Each map and legal description shall have the same force and effect as if included in this section, except that the Secretary may correct clerical and typographical errors in the map or legal description.

(3) AVAILABILITY.—Each map and legal description shall be on file and available for public inspection in the appropriate offices of—

(A) the Bureau of Land Management;

(B) the Forest Service; and

(C) the National Park Service.

(d) WITHDRAWAL.—Subject to valid existing rights, the wilderness areas designated by subsection (a) are withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing and geothermal leasing laws.

(e) MT. MORIAH WILDERNESS BOUNDARY ADJUSTMENT.—The boundary of the Mt. Moriah Wilderness established under section 2(13) of the Nevada Wilderness Protection Act of 1989 (16 U.S.C. 1132 note; Public Law 101–195) is adjusted to include only the land identified as the ''Mount Moriah Wilderness Area'' and ''Mount Moriah Additions'' on the map entitled ''Eastern White Pine County'' and dated November 29, 2006.

SEC. 324. ADMINISTRATION.

(a) MANAGEMENT.—Subject to valid existing rights, each area designated as wilderness by this subtitle shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of Agriculture or the Secretary of the Interior, as appropriate.

(b) LIVESTOCK.—Within the wilderness areas designated under this subtitle that are administered by the Bureau of Land Management and the Forest Service, the grazing of livestock in areas in which grazing is established as of the date of enactment of this Act shall be allowed to continue—

(1) subject to such reasonable regulations, policies, and practices that the Secretary considers necessary; and

(2) consistent with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), including the guidelines set forth in Appendix A of House Report 101–405.

(c) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundaries of an area designated as wilderness by this subtitle that is acquired by the United States after the date of enactment of this Act shall be added to and administered as part of the wilderness area within which the acquired land or interest is located.

(d) WATER RIGHTS.—

(1) FINDINGS.—Congress finds that—

(A) the land designated as wilderness by this subtitle is located—

(i) in the semiarid region of the Great Basin; and

(ii) at the headwaters of the streams and rivers on land with respect to which there are few if any—

(I) actual or proposed water resource facilities located upstream; and

(II) opportunities for diversion, storage, or other uses of water occurring outside the land that would adversely affect the wilderness values of the land;

(B) the land designated as wilderness by this subtitle is generally not suitable for use or development of new water resource facilities; and

(C) because of the unique nature of the land designated as wilderness by this subtitle, it is possible to provide for proper management and protection of the wilderness and other values of land in ways different from those used in other laws.

(2) PURPOSE.—The purpose of this section is to protect the wilderness values of the land designated as wilderness by this subtitle by means other than a federally reserved water right.

(3) STATUTORY CONSTRUCTION.—Nothing in this subtitle—

(A) shall constitute or be construed to constitute either an express or implied reservation by the United States of any water or water rights with respect to a wilderness designated by this subtitle;

(B) shall affect any water rights in the State (including any water rights held by the United States) in existence on the date of enactment of this Act;

(C) shall be construed as establishing a precedent with regard to any future wilderness designations;

(D) shall affect the interpretation of, or any designation made pursuant to, any other Act; or

(E) shall be construed as limiting, altering, modifying, or amending any interstate compact or equitable apportionment decree that apportions water among and between the State and other States.

(4) NEVADA WATER LAW.—The Secretary shall follow the procedural and substantive requirements of State law in order to obtain and hold any water rights not in existence on the date of enactment of this Act with respect to the wilderness areas designated by this subtitle.

(5) NEW PROJECTS.—

(A) DEFINITION OF WATER RESOURCE FACILITY.—In this paragraph, the term ''water resource facility''—

(i) means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, transmission and other ancillary facilities, and other water diversion, storage, and carriage structures; and

(ii) does not include wildlife guzzlers.

(B) RESTRICTION ON NEW WATER RESOURCE FACILITIES.—Except as otherwise provided in this title, on or after the date of enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within a wilderness area that is wholly or partially within the County.

SEC. 325. ADJACENT MANAGEMENT.

(a) IN GENERAL.—Congress does not intend for the designation of wilderness in the State by this subtitle to lead to the creation of protective perimeters or buffer zones around any such wilderness area.

(b) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness designated under this subtitle shall not preclude the conduct of those activities or uses outside the boundary of the wilderness area.

SEC. 326. MILITARY OVERFLIGHTS.

Nothing in this subtitle restricts or precludes—

(1) low-level overflights of military aircraft over the areas designated as wilderness by this subtitle, including military overflights that can be seen or heard within the wilderness areas;

(2) flight testing and evaluation; or

(3) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the wilderness areas.

SEC. 327. NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.

Nothing in this subtitle shall be construed to diminish—

(1) the rights of any Indian tribe; or

(2) tribal rights regarding access to Federal land for tribal activities, including spiritual, cultural, and traditional food-gathering activities.

SEC. 328. RELEASE OF WILDERNESS STUDY AREAS.

(a) FINDING.—Congress finds that, for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the Bureau of Land Management land has been adequately studied for wilderness designation in any portion of the wilderness study areas or instant study areas—

(1) not designated as wilderness by section __23(a), excluding the portion of the Goshute Canyon Wilderness Study Area located outside of the County; and

(2) depicted as released on the maps entitled—

(A) ''Eastern White Pine County'' and dated November 29, 2006;

(B) ''Northern White Pine County'' and dated November 29, 2006;

(C) ''Southern White Pine County'' and dated November 29, 2006; and

(D) ''Western White Pine County'' and dated November 29, 2006.

(b) RELEASE.—

(1) IN GENERAL.—Any public land described in subsection (a) that is not designated as wilderness by this subtitle—

(A) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c));

(B) shall be managed in accordance with—

(i) land management plans adopted under section 202 of that Act (43 U.S.C. 1712); and

(ii) cooperative conservation agreements in existence on the date of enactment of this Act; and

(C) shall be subject to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(2) EXCEPTION.—The requirements described in paragraph (1) shall not apply to the portion of the Goshute Canyon Wilderness Study Area located outside of the County.

SEC. 329. WILDLIFE MANAGEMENT.

(a) IN GENERAL.—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife management, including the regulation of hunting, fishing, and trapping, in the wilderness areas designated by this subtitle.

(b) MANAGEMENT ACTIVITIES.—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may conduct such management activities as are necessary to maintain or restore fish and wildlife populations and habitats in the wilderness areas designated by this subtitle if those activities are conducted—

(1) consistent with relevant wilderness management plans; and

(2) in accordance with—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(B) appropriate policies such as those set forth in Appendix B of House Report 101–405, including the occasional and temporary use of motorized vehicles if the use, as determined by the Secretary, would promote healthy, viable, and more naturally distributed wildlife populations that would enhance wilderness values and accomplish those tasks with the minimal impact necessary to reasonably accomplish those tasks.

(c) EXISTING ACTIVITIES.—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and in accordance with appropriate policies such as those set forth in Appendix B of House Report 101–405, the State may continue to use aircraft, including helicopters, to survey, capture, transplant, monitor, and provide water for wildlife populations, including bighorn sheep, and feral stock, feral horses, and feral burros.

(d) WILDLIFE WATER DEVELOPMENT PROJECTS.—Subject to subsection (f), the Secretary shall authorize structures and facilities, including existing structures and facilities, for wildlife water development projects, including guzzlers, in the wilderness areas designated by this subtitle if—

(1) the structures and facilities will, as determined by the Secretary, enhance wilderness values by promoting healthy, viable, and more naturally distributed wildlife populations; and

(2) the visual impacts of the structures and facilities on the wilderness areas can reasonably be minimized.

(e) HUNTING, FISHING, AND TRAPPING.—

(1) IN GENERAL.—The Secretary may designate by regulation areas in which, and establish periods during which, for reasons of public safety, administration, or compliance with applicable laws, no hunting, fishing, or trapping will be permitted in the wilderness areas designated by this subtitle.

(2) CONSULTATION.—Except in emergencies, the Secretary shall consult with the appropriate State agency before promulgating regulations under paragraph (1).

(f) COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—The State (including a designee of the State) may conduct wildlife management activities in the wilderness areas designated by this subtitle—

(A) in accordance with the terms and conditions specified in the cooperative agreement between the Secretary and the State, entitled ''Memorandum of Understanding between the Bureau of Land Management and the Nevada Department of Wildlife Supplement No. 9,'' and signed November and December 2003, including any amendments to the cooperative agreement agreed to by the Secretary and the State; and

(B) subject to all applicable laws and regulations.

(2) REFERENCES.—

(A) CLARK COUNTY.—For purposes of this subsection, any references to Clark County in the cooperative agreement described in paragraph (1)(A) shall be considered to be references to White Pine County, Nevada.

(B) BUREAU OF LAND MANAGEMENT.—For purposes of this subsection, any references to the Bureau of Land Management in the cooperative agreement described in paragraph (1)(A) shall also be considered to be references to the Forest Service.

SEC. 330. WILDFIRE, INSECT, AND DISEASE MANAGEMENT.

Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may take such measures as may be necessary in the control of fire, insects, and

diseases, including coordination with a State or local agency, as the Secretary deems appropriate.

SEC. 331. CLIMATOLOGICAL DATA COLLECTION.

If the Secretary determines that hydrologic, meteorologic, or climatological collection devices are appropriate to further the scientific, educational, and conservation purposes of the wilderness areas designated by this subtitle, nothing in this subtitle precludes the installation and maintenance of the collection devices within the wilderness areas.

Subtitle C—Transfers of Administrative Jurisdiction

SEC. 341. TRANSFER TO THE UNITED STATES FISH AND WILDLIFE SERVICE.

(a) IN GENERAL.—Administrative jurisdiction over the land described in subsection (b) is transferred from the Bureau of Land Management to the United States Fish and Wildlife Service for inclusion in the Ruby Lake National Wildlife Refuge.

(b) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (a) is approximately 645 acres of land administered by the Bureau of Land Management and identified on the map entitled ''Ruby Lake Land Transfer'' and dated July 10, 2006, as ''Lands to be transferred to the Fish and Wildlife Service''.

SEC. 342. TRANSFER TO THE BUREAU OF LAND MANAGEMENT.

(a) IN GENERAL.—Subject to subsection (c), administrative jurisdiction over the parcels of land described in subsection (b) is transferred from the Forest Service to the Bureau of Land Management.

(b) DESCRIPTION OF LAND.—The parcels of land referred to in subsection (a) are—

(1) the land administered by the Forest Service and identified on the map entitled ''Southern White Pine County'' and dated November 29, 2006, as ''Withdrawal Area'';

(2) the land administered by the Forest Service and identified on the map entitled ''Southern White Pine County'' and dated November 29, 2006, as ''Highland Ridge Wilderness''; and

(3) all other Federal land administered by the Forest Service that is located adjacent to the Highland Ridge Wilderness.

(c) CONTINUATION OF COOPERATIVE AGREEMENTS.—Any existing Forest Service cooperative agreement or permit in effect on the date of enactment of this Act relating to a parcel of land to which administrative jurisdiction is transferred by subsection (a) shall be continued by the Bureau of Land Management unless there is reasonable cause to terminate the agreement or permit, as determined by the Secretary.

(d) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Withdrawal Area is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral laws, geothermal leasing laws, and mineral materials laws.

(e) MOTORIZED AND MECHANICAL VEHICLES.—Use of motorized and mechanical vehicles in the withdrawal area designated by this subtitle shall be permitted only on roads and trails designated for their use, unless the use of those vehicles is needed—

(1) for administrative purposes; or

(2) to respond to an emergency.

SEC. 343. TRANSFER TO THE FOREST SERVICE.

(a) IN GENERAL.—Subject to subsection (c), administrative jurisdiction over the parcels of land described in subsection (b) is transferred from the Bureau of Land Management to the Forest Service.

(b) DESCRIPTION OF LAND.—The parcels of land referred to in subsection (a) are the approximately 5,799 acres of land administered by the Bureau of Land Management and identified on the map entitled ''Western White Pine County'', dated November 29, 2006, as the BLM Public Land Transfer to the US Forest Service.

(c) CONTINUATION OF COOPERATIVE AGREEMENTS.—Any existing Bureau of Land Management cooperative agreement or permit in effect on the date of enactment of this Act relating to a parcel of land to which administrative jurisdiction is transferred by subsection (a) shall be continued by the Forest Service unless there is reasonable cause to terminate the agreement or permit, as determined by the Secretary.

SEC. 344. AVAILABILITY OF MAP AND LEGAL DESCRIPTIONS.

The maps of the land transferred by this subtitle shall be on file and available for public inspection in the appropriate offices of—

(1) the Bureau of Land Management;

(2) the Forest Service;

(3) the National Park Service; and

(4) the United States Fish and Wildlife Service.

Subtitle D—Public Conveyances

SEC. 351. CONVEYANCE TO THE STATE OF NEVADA.

(a) CONVEYANCE.—Notwithstanding section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), the Secretary shall convey to the State, subject to valid existing rights, for no consideration, all right, title, and interest of the United States in and to the parcels of land described in subsection (b) if the State and the County enter into a written agreement supporting the conveyance.

(b) DESCRIPTION OF LAND.—The parcels of land referred to in subsection (a) are—

(1) the approximately 6,281 acres of Bureau of Land Management land identified as ''Steptoe Valley Wildlife Management Area Expansion Proposal'' on the map entitled ''Ely, Nevada Area'' and dated November 29, 2006;

(2) the approximately 658 acres of Bureau of Land Management land identified as ''Ward Charcoal Ovens Expansion'' on the map entitled ''Ely, Nevada Area'' and dated November 29, 2006; and

(3) the approximately 2,960 acres of Forest Service identified as ''Cave Lake State Park Expansion'' on the map entitled ''Ely, Nevada Area'' and dated November 29, 2006.

(c) COSTS.—Any costs relating to a conveyance under subsection (a), including costs for surveys and other administrative costs, shall be paid by the State.

(d) USE OF LAND.—

(1) IN GENERAL.—Any parcel of land conveyed to the State under subsection (a) shall be used only for—

(A) the conservation of wildlife or natural resources; or

(B) a public park.

(2) FACILITIES.—Any facility on a parcel of land conveyed under subsection (a) shall be constructed and managed in a manner consistent with the uses described in paragraph (1).

(e) REVERSION.—If a parcel of land conveyed under subsection (a) is used in a manner that is inconsistent with the uses described in subsection (d), the parcel of land shall, at the discretion of the Secretary, revert to the United States.

SEC. 352. CONVEYANCE TO WHITE PINE COUNTY, NEVADA.

(a) IN GENERAL.—Notwithstanding section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), the Secretary shall convey to the County, without consideration, all right, title, and interest of the United States in and to the parcels of land described in subsection (b).

(b) DESCRIPTION OF LAND.—The parcels of land referred to in subsection (a) are—

(1) the approximately 1,551 acres of land identified on the map entitled ''Ely, Nevada Area'', dated November 29, 2006, as the Airport Expansion; and

(2) the approximately 202 acres of land identified on the map entitled ''Ely, Nevada Area'', dated November 29, 2006, as the Industrial Park Expansion.

(c) AUTHORIZED USES.—

(1) AIRPORT EXPANSION.—The parcel of land described in subsection (b)(1) shall be used by the County to expand the Ely Airport.

(2) INDUSTRIAL PARK EXPANSION.—The parcel of land described in subsection (b)(2) shall be used by the County to expand the White Pine County Industrial Park.

(3) USE OF CERTAIN LAND FOR NONRESIDENTIAL DEVELOPMENT.—

(A) IN GENERAL.—After conveyance to the County of the land described in subsection (b), the County may sell, lease, or otherwise convey any portion of the land conveyed for purposes of nonresidential development relating to the authorized uses described in paragraphs (1) and (2).

(B) METHOD OF SALE.—The sale, lease, or conveyance of land under subparagraph (A) shall be—

(i) through a competitive bidding process; and

(ii) for not less than fair market value.

(C) DISPOSITION OF PROCEEDS.—The gross proceeds from the sale, lease, or conveyance of land under subparagraph (A) shall be distributed in accordance with section __12.

(d) REVERSION.—If a parcel of land conveyed under subsection (a) is used in a manner that is inconsistent with the use described for the parcel in paragraph (1), (2), or (3) of subsection (c), the parcel of land shall, at the discretion of the Secretary, revert to the United States.

Subtitle E—Silver State Off-Highway Vehicle Trail

SEC. 355. SILVER STATE OFF-HIGHWAY VEHICLE TRAIL.

(a) STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall complete a study of routes (with emphasis on roads and trails in existence on the date of enactment of this Act) in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the Silver State Off-Highway Vehicle Trail (referred to in this section as the ''Trail'').

(2) PREFERRED ROUTE.—Based on the study conducted under paragraph (1), the Secretary, in consultation with the State, the County, and any interested persons, shall identify the preferred route for the Trail.

(b) DESIGNATION OF TRAIL.—

(1) IN GENERAL.—Subject to paragraph (2), not later than 90 days after the date on which the study is completed under subsection (a), the Secretary shall designate the Trail.

(2) LIMITATIONS.—The Secretary shall designate the Trail only if the Secretary—

(A) determines that the route of the Trail would not have significant negative impacts on wildlife, natural or cultural resources, or traditional uses; and

(B) ensures that the Trail designation—

(i) is an effort to extend the Silver State Off-Highway Vehicle Trail designated under section 401(b) of the Lincoln County Conservation, Recreation, and Development Act of 2004 (16 U.S.C. 1244 note; Public Law 108–424); and

(ii) is limited to—

(I) 1 route that generally runs in a north-south direction; and

(II) 1 potential spur running west.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Trail in a manner that—

(A) is consistent with any motorized and mechanized uses of the Trail that are authorized on the date of enactment of this Act under applicable Federal and State laws (including regulations);

(B) ensures the safety of the individuals who use the Trail; and

(C) does not damage sensitive wildlife habitat, natural, or cultural resources.

(2) MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 2 years after the date of designation of the Trail, the Secretary, in consultation with the State, the County, and any other interested persons, shall complete a management plan for the Trail.

(B) COMPONENTS.—The management plan shall—

(i) describe the appropriate uses and management of the Trail;

(ii) authorize the use of motorized and mechanized vehicles on the Trail; and

(iii) describe actions carried out to periodically evaluate and manage the appropriate levels of use and location of the Trail to minimize environmental impacts and prevent damage to cultural resources from the use of the Trail.

(3) MONITORING AND EVALUATION.—

(A) ANNUAL ASSESSMENT.—The Secretary shall annually assess—

(i) the effects of the use of off-highway vehicles on the Trail to minimize environmental impacts and prevent damage to cultural resources from the use of the Trail; and

(ii) in consultation with the Nevada Department of Wildlife, the effects of the Trail on wildlife and wildlife habitat to minimize environmental impacts from the use of the Trail.

(B) CLOSURE.—The Secretary, in consultation with the State and the County and subject to subparagraph (C), may temporarily close or permanently reroute a portion of the Trail if the Secretary determines that—

(i) the Trail is having an adverse impact on—

(I) wildlife habitats;

(II) natural resources;

(III) cultural resources; or

(IV) traditional uses;

(ii) the Trail threatens public safety;

(iii) closure of the Trail is necessary to repair damage to the Trail; or

(iv) closure of the Trail is necessary to repair resource damage.

(C) REROUTING.—Any portion of the Trail that is temporarily closed may be permanently rerouted along existing roads and trails on public land open to motorized use if the Secretary determines that rerouting the portion of the Trail would not significantly increase or decrease the length of the Trail.

(D) NOTICE.—The Secretary shall provide information to the public with respect to any routes on the Trail that are closed under subparagraph (B), including through the provision of appropriate signage along the Trail.

(4) NOTICE OF OPEN ROUTES.—The Secretary shall ensure that visitors to the Trail have access to adequate notice relating to the routes on the Trail that are open through—

(A) the provision of appropriate signage along the Trail; and

(B) the distribution of maps, safety education materials, and any other information that the Secretary determines to be appropriate.

(d) NO EFFECT ON NON-FEDERAL LAND AND INTERESTS IN LAND.—Nothing in this section affects the ownership or management of, or other rights relating to, non-Federal land or interests in non-Federal land.

Subtitle F—Transfer of Land to Be Held in Trust for the Ely Shoshone Tribe.

SEC. 361. TRANSFER OF LAND TO BE HELD IN TRUST FOR THE ELY SHOSHONE TRIBE.

(a) IN GENERAL.—Subject to valid existing rights, all right, title, and interest of the United States in and to the land described in subsection (b)—

(1) shall be held in trust by the United States for the benefit of the Ely Shoshone Tribe (referred to in this section as the ''Tribe''); and

(2) shall be part of the reservation of the Tribe.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of parcels 1, 2, 3, and 4, totaling the approximately 3,526 acres of land that are identified on—

(1) the Ely, Nevada Area map dated November 29, 2006; and

(2) the Eastern White Pine County map dated November 29, 2006, as the ''Ely Shoshone Expansion''.

(c) SURVEY.—Not later than 180 days after the date of enactment of this Act, the Bureau of Land Management shall complete a survey of the boundary lines to establish the boundaries of the trust land.

(d) CONDITIONS.—

(1) GAMING.—Land taken into trust under subsection (a) shall not be—

(A) considered to have been taken into trust for gaming (as that term is used in the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)); and

(B) used for gaming.

(2) TRUST LAND FOR CEREMONIAL USE.—With respect to the use of the land identified on the map as ''Ely Shoshone Expansion'' and marked as ''3'', the Tribe—

(A) shall limit the use of the surface of the land to traditional and customary uses and stewardship conservation for the benefit of the Tribe; and

(B) shall not permit any permanent residential or recreational development on, or commercial use of, the surface of the land, including commercial development or gaming.

(3) THINNING; LANDSCAPE RESTORATION.—With respect to land taken into trust under subsection (a), the Forest Service and the Bureau of Land Management may, in consultation and coordination with the Tribe, carry out any thinning and other landscape restoration work on the trust land that is beneficial to the Tribe and the Forest Service or the Bureau of Land Management.

Subtitle G—Eastern Nevada Landscape Restoration Project.

SEC. 371. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) there is an increasing threat of wildfire in the Great Basin;

(2) those wildfires—

(A) endanger homes and communities;

(B) damage or destroy watersheds and soils; and

(C) pose a serious threat to the habitat of threatened and endangered species;

(3) forest land and rangeland in the Great Basin are degraded as a direct consequence of land management practices (including practices to control and prevent wildfires) that disrupt the occurrence of frequent low-intensity fires that have periodically removed flammable undergrowth; and

(4) additional scientific information is needed in the Great Basin for—

(A) the design, implementation, and adaptation of landscape-scale restoration treatments; and

(B) the improvement of wildfire management technology and practices.

(b) PURPOSES.—The purposes of this subtitle are to—

(1) support the Great Basin Restoration Initiative through the implementation of the Eastern Nevada Landscape Restoration Project; and

(2) ensure resilient and healthy ecosystems in the Great Basin by restoring native plant communities and natural mosaics on the landscape that function within the parameters of natural fire regimes.

SEC. 372. DEFINITIONS.

In this subtitle:

(1) INITIATIVE.—The term ''Initiative'' means the Great Basin Restoration Initiative.

(2) PROJECT.—The term ''Project'' means the Eastern Nevada Landscape Restoration Project authorized under section __73(a).

(3) SECRETARIES.—The term ''Secretaries'' means the Secretary of Agriculture and the Secretary of the Interior.

(4) STATE.—The term ''State'' means the State of Nevada.

SEC. 373. RESTORATION PROJECT.

(a) IN GENERAL.—In accordance with all applicable Federal laws, the Secretaries shall carry out the Eastern Nevada Landscape Restoration Project to—

(1) implement the Initiative; and

(2) restore native rangelands and native woodland (including riparian and aspen communities) in White Pine and Lincoln Counties in the State.

(b) GRANTS; COOPERATIVE AGREEMENT.—In carrying out the Project—

(1) the Secretaries may make grants to the Eastern Nevada Landscape Coalition, the Great Basin Institute, and other entities for the study and restoration of rangeland and other land in the Great Basin—

(A) to assist in—

(i) reducing hazardous fuels; and

(ii) restoring native rangeland and woodland; and

(B) for other related purposes; and

(2) notwithstanding sections 6301 through 6308, of title 31, United States Code, the Director of the Bureau of Land Management and the Chief of the Forest Service may enter into an agreement with the Eastern Nevada Landscape Coalition, the Great Basin Institute, and other entities to provide for the conduct of scientific analyses, hazardous fuels and mechanical treatments, and related work.

(c) RESEARCH FACILITY.—The Secretaries may conduct a feasibility study on the potential establishment of an interagency science center, including a research facility and experimental rangeland in the eastern portion of the State.

(d) FUNDING.—Section 4(e)(3)(A) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2346; 116 Stat. 2007; 118 Stat. 2414) is amended—

(1) by redesignating clause (viii) as clause (ix); and

(2) by inserting after clause (vii) the following:

''(viii) to carry out the Eastern Nevada Landscape Restoration Project in White Pine County, Nevada and Lincoln County, Nevada; and''.

Subtitle H—Amendments to the Southern Nevada Public Land Management Act of 1998

SEC. 381. FINDINGS.

Section 2(a)(3) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2343) is amended by inserting ''the Sloan Canyon National Conservation Area,'' before ''and the Spring Mountains''.

SEC. 382. AVAILABILITY OF SPECIAL ACCOUNT.

Section 4(e) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2346; 116 Stat. 2007; 117 Stat. 1317; 118 Stat. 2414) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking ''may be expended'' and inserting ''shall be expended'';

(ii) in clause (ii)—

(I) by inserting '', the Great Basin National Park,'' after ''the Red Rock Canyon National Conservation Area'';

(II) by inserting ''and the Forest Service'' after ''the Bureau of Land Management''; and

(III) by striking ''Clark and Lincoln Counties'' and inserting ''Clark, Lincoln, and White Pine Counties'';

(iii) in clause (iii), by inserting ''and implementation'' before ''of a multispecies habitat'';

(iv) in clause (iv), by striking ''Clark and Lincoln Counties,'' and inserting ''Clark, Lincoln, and White Pine Counties and Washoe County (subject to paragraph (4)),'';

(v) in clause (v), by striking ''Clark and Lincoln Counties'' and inserting ''Clark, Lincoln, and White Pine Counties'';

(vi) in clause (vii)—

(I) by striking ''for development'' and inserting ''development''; and

(II) by striking ''and'' at the end;

(vii) by redesignating clauses (viii) and (ix) (as amended by section __73(d)) as clauses (x) and (xi), respectively; and

(viii) by inserting after clause (vii) the following:

''(viii) reimbursement of any costs incurred by the Bureau of Land Management to clear debris from and protect land that is—

''(I) located in the disposal boundary described in subsection (a); and

''(II) reserved for affordable housing;

''(ix) development and implementation of comprehensive, cost-effective, multijurisdictional hazardous fuels reduction and wildfire prevention plans (including sustainable biomass and biofuels energy development and production activities) for the Lake Tahoe Basin (to be developed in conjunction with the Tahoe Regional Planning Agency), the Carson Range in Douglas and Washoe Counties and Carson City in the State, and the Spring Mountains in the State, that are—

''(I) subject to approval by the Secretary; and

''(II) not more than 10 years in duration;''; and

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

''(D) TRANSFER REQUIREMENT.—Subject to such terms and conditions as the Secretary may prescribe, and notwithstanding any other provision of law—

''(i) for amounts that have been authorized for expenditure under subparagraph (A)(iv) but not transferred as of the date of enactment of this subparagraph, the Secretary shall, not later than 60 days after a request for funds from the applicable unit of local government or regional governmental entity, transfer to the applicable unit of local government or regional governmental entity the amount authorized for the expenditure; and

''(ii) for expenditures authorized under subparagraph (A)(iv) that are approved by the Secretary, the Secretary shall, not later than 60 days after a request for funds from the applicable unit of local government or regional governmental entity, transfer to the applicable unit of local government or regional governmental entity the amount approved for expenditure.''; and

(2) by adding at the end the following:

''(4) LIMITATION FOR WASHOE COUNTY.—Until December 31, 2011, Washoe County shall be eligible to nominate for expenditure amounts to acquire land (not to exceed 250 acres) and develop 1 regional park and natural area.''.

Subtitle I—Amendments to the Lincoln County Conservation, Recreation, and Development Act of 2004

SEC. 391. DISPOSITION OF PROCEEDS.

Section 103(b)(2) of the Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108–424; 118 Stat. 2405) is amended by inserting ''education, planning,'' after ''social services,''.

Subtitle J—All American Canal Projects

SEC. 395. ALL AMERICAN CANAL LINING PROJECT.

(a) DUTIES OF THE SECRETARY.—Notwithstanding any other provision of law, upon the date of enactment of this Act, the Secretary shall, without delay, carry out the All American Canal Lining Project identified—

(1) as the preferred alternative in the record of decision for that project, dated July 29, 1994; and

(2) in the allocation agreement allocating water from the All American Canal Lining Project, entered into as of October 10, 2003.

(b) DUTIES OF COMMISSIONER OF RECLAMATION.—

(1) IN GENERAL.—Subject to paragraph (2), if a State conducts a review or study of the implications of the All American Canal Lining Project as carried out under subsection (a), upon request from the Governor of the State, the Commissioner of Reclamation shall cooperate with the State, to the extent practicable, in carrying out the review or study.

(2) RESTRICTION OF DELAY.—A review or study conducted by a State under paragraph (1) shall not delay the carrying out by the Secretary of the All American Canal Lining Project.

SEC. 396. REGULATED STORAGE WATER FACILITY.

(a) CONSTRUCTION, OPERATION, AND MAINTENANCE OF FACILITY.—Notwithstanding any other provision of law, upon the date of enactment of this Act, the Secretary shall, without delay, pursuant to the Act of January 1, 1927 (44 Stat. 1010, chapter 47) (commonly known as the ''River and Harbor Act of 1927''), as amended, design and provide for the construction, operation, and maintenance of a regulated water storage facility (including all incidental works that are reasonably necessary to operate the storage facility) to provide additional storage capacity to reduce nonstorable flows on the Colorado River below Parker Dam.

(b) LOCATION OF FACILITY.—The storage facility (including all incidental works) described in subsection (a) shall be located at or near the All American Canal.

SEC. 397. APPLICATION OF LAW.

The Treaty between the United States of America and Mexico relating to the utilization of waters of the Colorado and Tijuana Rivers and of the Rio Grande, and supplementary protocol signed November 14, 1944, signed at Washington February 3, 1944 (59 Stat. 1219) is the exclusive authority for identifying, considering, analyzing, or addressing impacts occurring outside the boundary of the United States of works constructed, acquired, or used within the territorial limits of the United States.

TITLE IV—OTHER PROVISIONS

SEC. 401. TOBACCO PERSONAL USE QUANTITY EXCEPTION TO NOT APPLY TO DELIVERY SALES.

(a) DEFINITIONS.—Section 801 of the Tariff Act of 1930 (19 U.S.C. 1681) is amended by adding at the end the following:

''(3) DELIVERY SALE.—The term 'delivery sale' means any sale of cigarettes or a smokeless tobacco product to a consumer if—

''(A) the consumer submits the order for such sale by means of a telephone or other method of voice transmission, the mail, or the Internet or other online service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made; or

''(B) the cigarettes or smokeless tobacco product is delivered by use of a common carrier, private delivery service, or the mail, or the seller is not in the physical presence of the buyer when the buyer obtains personal possession of the delivered cigarettes or smokeless tobacco product.''.

(b) INAPPLICABILITY OF EXEMPTIONS FROM REQUIREMENTS FOR ENTRY OF CERTAIN CIGARETTES AND SMOKELESS TOBACCO PRODUCTS.—Section 802(b)(1) of the Tariff Act of 1930 (19 U.S.C. 1681a(b)(1)) is amended by adding at the end the following new sentence: ''The preceding sentence shall not apply to any cigarettes or smokeless tobacco products sold in connection with a delivery sale.''.

(c) STATE ACCESS TO CUSTOMS CERTIFICATIONS.—Section 802 of the Tariff Act of 1930 (19 U.S.C. 1681a) is amended by adding at the end the following new subsection:

''(d) STATE ACCESS TO CUSTOMS CERTIFICATIONS.—A State, through its Attorney General, shall be entitled to obtain copies of any certification required under subsection (c) directly—

''(1) upon request to the agency of the United States responsible for collecting such certification; or

''(2) upon request to the importer, manufacturer, or authorized official of such importer or manufacturer.''.

(d) ENFORCEMENT PROVISIONS.—Section 803(b) of the Tariff Act of 1930 (19 U.S.C. 1681b(b)) is amended—

(1) in the first sentence, by inserting before the period at the end the following: '', or to any State in which such tobacco product, cigarette papers, or tube is found''; and

(2) in the second sentence, by inserting '', or to any State,'' after ''the United States''.

(e) INCLUSION OF SMOKELESS TOBACCO.—

(1) Sections 802 and 803(a) of the Tariff Act of 1930 (19 U.S.C. 1681a and 1681b(a)) (other than the last sentence of section 802(b)(1), as added by subsection (b) of this section) are further amended by inserting ''or smokeless tobacco products'' after ''cigarettes'' each place it appears.

(2) Section 802 of such Act is further amended—

(A) in subsection (a)—

(i) in paragraph (1), by inserting ''or section 4 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4403), as the case may be'' after ''section 7 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1335a)'';

(ii) in paragraph (2), by inserting ''or section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402), as the case may be,'' after ''section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333)''; and

(iii) in paragraph (3), by inserting ''or section 3(d) of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402(d)), as the case may be'' after ''section 4(c) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333(c))'';

(B) in subsection (b)—

(i) in the heading of paragraph (1), by inserting ''OR SMOKELESS TOBACCO PRODUCTS'' after ''CIGARETTES''; and

(ii) in the heading of paragraphs (2) and (3), by inserting ''OR SMOKELESS TOBACCO PRODUCTS'' after ''CIGARETTES''; and

(C) in subsection (c)—

(i) in the heading, by inserting ''OR SMOKELESS TOBACCO PRODUCT'' after ''CIGARETTE'';

(ii) in paragraph (1), by inserting ''or section 4 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C.

4403), as the case may be'' after ''section 7 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1335a)'';

(iii) in paragraph (2)(A), by inserting ''or section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402), as the case may be,'' after ''section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333)''; and

(iv) in paragraph (2)(B), by inserting ''or section 3(d) of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402(d)), as the case may be'' after ''section 4(c) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333(c))''.

(3) Section 803(b) of such Act, as amended by subsection (d)(1) of this section, is further amended by inserting '', or any smokeless tobacco product,'' after ''or tube'' the first place it appears.

(4)(A) The heading of title VIII of such Act is amended by inserting ''**AND SMOKELESS TOBACCO PRODUCTS**'' after ''**CIGARETTES**''.

(B) The heading of section 802 of such Act is amended by inserting ''AND SMOKELESS TOBACCO PRODUCTS'' after ''CIGARETTES''.

(f) APPLICATION OF CIVIL PENALTIES TO RELANDINGS OF TOBACCO PRODUCTS SOLD IN A DELIVERY SALE.—

(1) IN GENERAL.—Section 5761 of the Internal Revenue Code of 1986 (relating to civil penalties) is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

''(d) PERSONAL USE QUANTITIES.—

''(1) IN GENERAL.—No quantity of tobacco products other than the quantity referred to in paragraph (2) may be relanded or received as a personal use quantity.

''(2) EXCEPTION FOR PERSONAL USE QUANTITY.—Subsection (c) and section 5754 shall not apply to any person who relands or receives tobacco products in the quantity allowed entry free of tax and duty under chapter 98 of the Harmonized Tariff Schedule of the United States, and such person may voluntarily relinquish to the Secretary at the time of entry any excess of such quantity without incurring the penalty under subsection (c).

''(3) SPECIAL RULE FOR DELIVERY SALES.—

''(A) IN GENERAL.—Paragraph (2) shall not apply to any tobacco product sold in connection with a delivery sale.

''(B) DELIVERY SALE.—For purposes of subparagraph (A), the term 'delivery sale' means any sale of a tobacco product to a consumer if—

''(i) the consumer submits the order for such sale by means of a telephone or other method of voice transmission, the mail, or the Internet or other online service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made, or

''(ii) the tobacco product is delivered by use of a common carrier, private delivery service, or the mail, or the seller is not in the physical presence of the buyer when the buyer obtains personal possession of the tobacco product.''.

(2) CONFORMING AMENDMENTS.—

(A) Subsection (c) of section 5761 of such Code is amended by striking the last two sentences.

(B) Paragraph (1) of section 5754(c) of such Code is amended by striking ''section 5761(c)'' and inserting ''section 5761(d)''.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 402. ETHANOL TARIFF SCHEDULE.

Headings 9901.00.50 and 9901.00.52 of the Harmonized Tariff Schedule of the United States are each amended in the effective period column by striking ''10/1/2007'' each place it appears and inserting ''1/1/2009''.

SEC. 403. WITHDRAWAL OF CERTAIN FEDERAL LAND AND INTERESTS IN CERTAIN FEDERAL LAND FROM LOCATION, ENTRY, AND PATENT UNDER THE MINING LAWS AND DISPOSITION UNDER THE MINERAL AND GEOTHERMAL LEASING LAWS.

(a) DEFINITIONS.—In this section:

(1) BUREAU OF LAND MANAGEMENT LAND.—The term ''Bureau of Land Management land'' means the Bureau of Land Management land and any federally-owned minerals located south of the Blackfeet Indian Reservation and east of the Lewis and Clark National Forest to the eastern edge of R. 8 W., beginning in T. 29 N. down to and including T. 19 N. and all of T. 18 N., R. 7 W.

(2) ELIGIBLE FEDERAL LAND.—The term ''eligible Federal land'' means the Bureau of Land Management land and the Forest Service land, as generally depicted on the map.

(3) FOREST SERVICE LAND.—The term ''Forest Service land'' means—

(A) the Forest Service land and any federally-owned minerals located in the Rocky Mountain Division of the Lewis and Clark National Forest, including the approximately 356,111 acres of land made unavailable for leasing by the August 28, 1997, Record of Decision for the Lewis and Clark National Forest Oil and Gas Leasing Environmental Impact Statement and that is located from T. 31 N. to T. 16 N. and R. 13 W. to R. 7 W.; and

(B) the Forest Service land and any federally-owned minerals located within the Badger Two Medicine area of the Flathead National Forest, including—

(i) the land located in T. 29 N. from the western edge of R. 16 W. to the eastern edge of R. 13 W.; and

(ii) the land located in T. 28 N., Rs. 13 and 14 W.

(4) MAP.—The term ''map'' means the map entitled ''Rocky Mountain Front Mineral Withdrawal Area'' and dated December 31, 2006.

(b) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights, the eligible Federal land (including any interest in the eligible Federal land) is withdrawn from—

(A) all forms of location, entry, and patent under the mining laws; and

(B) disposition under all laws relating to mineral and geothermal leasing.

(2) AVAILABILITY OF MAP.—The map shall be on file and available for inspection in the Office of the Chief of the Forest Service.

(c) TAX INCENTIVE FOR SALE OF EXISTING MINERAL AND GEOTHERMAL RIGHTS TO TAX-EXEMPT ENTITIES.—

(1) EXCLUSION.—For purposes of the Internal Revenue Code of 1986, gross income shall not include 25 percent of the qualifying gain from a conservation sale of a qualifying mineral or geothermal interest.

(2) QUALIFYING GAIN.—For purposes of this subsection, the term ''qualifying gain'' means any gain which would be recognized as long-term capital gain under such Code.

(3) CONSERVATION SALE.—For purposes of this subsection, the term ''conservation sale'' means a sale which meets the following requirements:

(A) TRANSFEREE IS AN ELIGIBLE ENTITY.—The transferee of the qualifying mineral or geothermal interest is an eligible entity.

(B) QUALIFYING LETTER OF INTENT REQUIRED.—At the time of the sale, such transferee provides the taxpayer with a qualifying letter of intent.

(C) NONAPPLICATION TO CERTAIN SALES.—The sale is not made pursuant to an order of condemnation or eminent domain.

(4) QUALIFYING MINERAL OR GEOTHERMAL INTEREST.—For purposes of this subsection—

(A) IN GENERAL.—The term ''qualifying mineral or geothermal interest'' means an interest in any mineral or geothermal deposit located on eligible Federal land which constitutes a taxpayer's entire interest in such deposit.

(B) ENTIRE INTEREST.—For purposes of subparagraph (A)—

(i) an interest in any mineral or geothermal deposit is not a taxpayer's entire interest if such interest in such mineral or geothermal deposit was divided in order to avoid the requirements of such subparagraph or section 170(f)(3)(A) of such Code, and

(ii) a taxpayer's entire interest in such deposit does not fail to satisfy such subparagraph solely because the taxpayer has retained an interest in other deposits, even if the other deposits are contiguous with such certain deposit and were acquired by the taxpayer along with such certain deposit in a single conveyance.

(5) OTHER DEFINITIONS.—For purposes of this subsection—

(A) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(i) a governmental unit referred to in section 170(c)(1) of such Code, or an agency or department thereof operated primarily for 1 or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A) of such Code, or

(ii) an entity which is—

(I) described in section 170(b)(1)(A)(vi) or section 170(h)(3)(B) of such Code, and

(II) organized and at all times operated primarily for 1 or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A) of such Code.

(B) QUALIFYING LETTER OF INTENT.—The term ''qualifying letter of intent'' means a written letter of intent which includes the following statement: ''The transferee's intent is that this acquisition will serve 1 or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A) of the Internal Revenue Code of 1986, that the transferee's use of the deposits so acquired will be consistent with section 170(h)(5) of such Code, and that the use of the deposits will continue to be consistent with such section, even if ownership or possession of such deposits is subsequently transferred to another person.''.

(6) TAX ON SUBSEQUENT TRANSFERS.—

(A) IN GENERAL.—A tax is hereby imposed on any subsequent transfer by an eligible entity of ownership or possession, whether by sale, exchange, or lease, of an interest acquired directly or indirectly in—

(i) a conservation sale described in paragraph (1), or

(ii) a transfer described in clause (i), (ii), or (iii) of subparagraph (D).

(B) AMOUNT OF TAX.—The amount of tax imposed by subparagraph (A) on any transfer shall be equal to the sum of—

(i) 20 percent of the fair market value (determined at the time of the transfer) of the interest the ownership or possession of which is transferred, plus

(ii) the product of—

(I) the highest rate of tax specified in section 11 of such Code, times

(II) any gain or income realized by the transferor as a result of the transfer.

(C) LIABILITY.—The tax imposed by subparagraph (A) shall be paid by the transferor.

(D) RELIEF FROM LIABILITY.—The person (otherwise liable for any tax imposed by subparagraph (A)) shall be relieved of liability for the tax imposed by subparagraph (A) with respect to any transfer if—

(i) the transferee is an eligible entity which provides such person, at the time of transfer, a qualifying letter of intent,

(ii) in any case where the transferee is not an eligible entity, it is established to the satisfaction of the Secretary of the Treasury, that the transfer of ownership or possession, as the case may be, will be consistent with section 170(h)(5) of such Code, and the transferee provides such person, at the time of transfer, a qualifying letter of intent, or

(iii) tax has previously been paid under this paragraph as a result of a prior transfer of ownership or possession of the same interest.

(E) ADMINISTRATIVE PROVISIONS.—For purposes of subtitle F of such Code, the taxes imposed by this paragraph shall be treated as excise taxes with respect to which the deficiency procedures of such subtitle apply.

(7) REPORTING.—The Secretary of the Treasury may require such reporting as may be necessary or appropriate to further the purpose under this subsection that any conservation use be in perpetuity.

(d) EFFECTIVE DATES.—

(1) MORATORIUM.—Subsection (b) shall take effect on the date of the enactment of this Act.

(2) TAX INCENTIVE.—Subsection (c) shall apply to sales occurring on or after the date of the enactment of this Act.

SEC. 404. CONTINUING ELIGIBILITY FOR CERTAIN STUDENTS UNDER DISTRICT OF COLUMBIA SCHOOL CHOICE PROGRAM.

(a) IN GENERAL.—Section 307(a)(4) of the DC School Choice Incentive Act of 2003 (sec. 38—1851.06(a)(4), D.C. Official Code) is amended by striking ''200 percent'' and inserting the following: ''200 percent (or, in the case of an eligible student whose first year of participation in the program is an academic year ending in June 2005 or June 2006 and whose second or succeeding year is an academic year ending on or before June 2009, 300 percent)''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the DC School Choice Incentive Act of 2003.

SEC. 405. STUDY ON ESTABLISHING UNIFORM NATIONAL DATABASE ON ELDER ABUSE.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services, in consultation with the Attorney General, shall conduct a study on establishing a uniform national database on elder abuse.

(2) ISSUES STUDIED.—The study conducted under paragraph (1) may consider the following:

(A) Current methodologies used for collecting data on elder abuse, including a determination of the shortcomings, strengths, and commonalities of existing data collection efforts and reporting forms, and how a uniform national database would capitalize on such efforts.

(B) The process by which uniform national standards for reporting on elder abuse could be implemented, including the identification and involvement of necessary stakeholders, financial resources needed, timelines, and the treatment of existing standards with respect to elder abuse.

(C) Potential conflicts in Federal, State, and local laws, and enforcement and jurisdictional issues that could occur as a result of the creation of a uniform national database on elder abuse.

(D) The scope, purpose, and variability of existing definitions used by Federal, State, and local agencies with respect to elder abuse.

(3) DURATION.—The study conducted under paragraph (1) shall be conducted for a period not to exceed 2 years.

(b) REPORT.—Not later than 180 days after the completion of the study conducted under subsection (a)(1), the Secretary of Health and Human Services shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives containing the findings of the study, together with recommendations on how to implement a uniform national database on elder abuse.

(c) AUTHORIZATION.—There are authorized to be appropriated to carry out this section, $500,000 for each of fiscal years 2007 and 2008.

SEC. 406. TEMPORARY DUTY REDUCTIONS FOR CERTAIN COTTON SHIRTING FABRIC.

(a) CERTAIN COTTON SHIRTING FABRICS.—

(1) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new headings:

131	9902.52.08	Woven fabrics of cotton, of a type described in subheading 5208.21, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009	...
	9902.52.09	Woven fabrics of cotton, of a type described in subheading 5208.22, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009	...
	9902.52.10	Woven fabrics of cotton, of a type described in subheading 5208.29, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009	...
	9902.52.11	Woven fabrics of cotton, of a type described in subheading 5208.31, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009	...
	9902.52.12	Woven fabrics of cotton, of a type described in subheading 5208.32, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009	...
	9902.52.13	Woven fabrics of cotton, of a type described in subheading 5208.39, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009	...
	9902.52.14	Woven fabrics of cotton, of a type described in subheading 5208.41, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009	...
	9902.52.15	Woven fabrics of cotton, of a type described in subheading 5208.42, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009	...
	9902.52.16	Woven fabrics of cotton, of a type described in subheading 5208.49, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009	...

9902.52.17	Woven fabrics of cotton, of a type described in subheading 5208.51, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009	...
9902.52.18	Woven fabrics of cotton, of a type described in subheading 5208.52, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009	...
9902.52.19	Woven fabrics of cotton, of a type described in subheading 5208.59, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009	...
9902.52.20	Woven fabrics of cotton of a type described in subheading 5208.21, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009	...
9902.52.21	Woven fabrics of cotton of a type described in subheading 5208.22, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009	...
9902.52.22	Woven fabrics of cotton of a type described in subheading 5208.29, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009	...
9902.52.23	Woven fabrics of cotton of a type described in subheading 5208.31, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009	...
9902.52.24	Woven fabrics of cotton of a type described in subheading 5208.32, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009	...
9902.52.25	Woven fabrics of cotton of a type described in subheading 5208.39, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009	...
9902.52.26	Woven fabrics of cotton of a type described in subheading 5208.41, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009	...
9902.52.27	Woven fabrics of cotton of a type described in subheading 5208.42, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009	...
9902.52.28	Woven fabrics of cotton of a type described in subheading 5208.49, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009	...
9902.52.29	Woven fabrics of cotton of a type described in subheading 5208.51, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009	...
9902.52.30	Woven fabrics of cotton of a type described in subheading 5208.52, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009	...
9902.52.31	Woven fabrics of cotton of a type described in subheading 5208.59, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009	''.

(2) DEFINITIONS AND LIMITATION ON QUANTITY OF IMPORTS.—The U.S. Notes to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States are amended by adding at the end the following:

''18. For purposes of headings 9902.52.08 through 9902.52.31, the term 'manufacturer' means a person or entity that cuts and sews men's and boys' shirts in the United States.

''19. The aggregate quantity of fabrics entered under headings 9902.52.08 through 9902.52.19 from January 1 to December 31 of each year, inclusive, by or on behalf of each manufacturer of men's and boys' shirts shall be limited to 85 percent of the total square meter equivalents of all imported woven fabrics of cotton containing 85 percent or more

by weight of cotton used by such manufacturer in cutting and sewing men's and boys' cotton shirts in the United States and purchased by such manufacturer during calendar year 2000.''.

(b) DETERMINATION OF TARIFF-RATE QUOTAS.—

(1) AUTHORITY TO ISSUE LICENSES AND LICENSE USE.—In order to implement the limitation on the quantity of cotton woven fabrics that may be entered under headings 9902.52.08 through 9902.52.19 of the Harmonized Tariff Schedule of the United States, as required by U.S. Note 19 to subchapter II of chapter 99 of such Schedule, the Secretary of Commerce shall issue licenses to eligible manufacturers under such headings 9902.52.08 through 9902.52.19, specifying the restrictions under each such license on the quantity of cotton woven fabrics that may be entered each year by or on behalf of the manufacturer. A licensee may assign the authority (in whole or in part) under the license to import fabric under headings 9902.52.08 through 9902.52.19 of such Schedule.

(2) LICENSES UNDER U.S. NOTE 19.—For purposes of U.S. Note 19 to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States, the Secretary of Commerce shall issue a license to a manufacturer within 60 days after the manufacturer files with the Secretary of Commerce an application containing a notarized affidavit from an officer of the manufacturer that the manufacturer is eligible to receive a license and stating the quantity of imported woven fabrics of cotton containing 85 percent or more by weight of cotton purchased during calendar year 2000 for use in the cutting and sewing men's and boys' shirts in the United States.

(3) AFFIDAVITS.—For purposes of an affidavit described in this subsection, the date of purchase shall be—

(A) the invoice date if the manufacturer is not the importer of record; and

(B) the date of entry if the manufacturer is the importer of record.

SEC. 407. COTTON TRUST FUND.

(a) ESTABLISHMENT OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the ''Pima Cotton Trust Fund'' (in this section referred to as the ''Trust Fund''), consisting of such amounts as may be transferred to the Trust Fund under subsection (b).

(b) TRANSFER OF AMOUNTS.—

(1) IN GENERAL.—Beginning October 1, 2006, the Secretary of the Treasury shall transfer to the Trust Fund, from the general fund of the Treasury, amounts determined by the Secretary of the Treasury to be equivalent to the amounts received in the general fund that are attributable to duties received since January 1, 1994, on articles under subheadings 5208.21.60, 5208.22.80, 5208.29.80, 5208.31.80, 5208.32.50, 5208.39.80, 5208.41.80, 5208.42.50, 5208.49.80, 5208.51.80, 5208.52.50, and 5208.59.80 of the Harmonized Tariff Schedule of the United States, subject to the limitation in paragraph (2).

(2) LIMITATION.—The Secretary may not transfer more than $16,000,000 to the Trust Fund in any fiscal year, and may not transfer any amount beginning on or after October 1, 2008.

(c) DISTRIBUTION OF FUNDS.—From amounts in the Trust Fund, the Commissioner of the Bureau of Customs and Border Protection shall make the following payments annually beginning in fiscal year 2007:

(1) 25 percent of the amounts in the Trust Fund shall be paid annually to a nationally recognized association established for the promotion of pima cotton grown in the United States for the use in textile and apparel goods.

(2) 25 percent of the amounts in the Trust Fund shall be paid annually to yarn spinners of pima cotton grown in the United States, and shall be allocated to each spinner in an amount that bears the same ratio as—

(A) the spinner's production of ring spun cotton yarns, measuring less than 83.33 decitex (exceeding 120 metric number) from pima cotton grown in the United States in single and plied form during the period January 1, 1998 through December 31, 2003 (as evidenced by an affidavit provided by the spinner) bears to—

(B) the production of the yarns described in subparagraph (A) during the period January 1, 1998 through December 31, 2003 for all spinners who qualify under this paragraph.

(3) 50 percent of the amounts in the Trust Fund shall be paid annually to those manufacturers who cut and sew cotton shirts in the United States who certify that they used imported cotton fabric during the period January 1, 1998, through July 1, 2003, and shall be allocated to each such manufacturer in an amount that bears the same ratio as—

(A) the dollar value (excluding duty, shipping, and related costs) of imported woven cotton shirting fabric of 80s or higher count and 2-ply in warp purchased by the manufacturer during calendar year 2002 (as evidenced by an affidavit from the manufacturer that meets the requirements of subsection (d)) used in the manufacturing of men's and boys' cotton shirts, bears to—

(B) the dollar value (excluding duty, shipping, and related costs) of the fabric described in subparagraph (A) purchased during calendar year 2002 by all manufacturers who qualify under this paragraph.

(d) AFFIDAVIT OF SHIRTING MANUFACTURERS.—The affidavit required by subsection (c)(3)(A) is a notarized affidavit provided by an officer of the manufacturer of men's and boys' shirts concerned that affirms—

(1) that the manufacturer used imported cotton fabric during the period January 1, 1998, through July 1, 2003, to cut and sew men's and boys' woven cotton shirts in the United States;

(2) the dollar value of imported woven cotton shirting fabric of 80s or higher count and 2-ply in warp purchased during calendar year 2002;

(3) that the manufacturer maintains invoices along with other supporting documentation (such as price lists and other technical descriptions of the fabric qualities) showing the dollar value of such fabric purchased, the date of purchase, and evidencing the fabric as woven cotton fabric of 80s or higher count and 2-ply in warp; and

(4) that the fabric was suitable for use in the manufacturing of men's and boys' cotton shirts.

(e) DATE OF PURCHASE.—For purposes of the affidavit under subsection (d), the date of purchase shall be the invoice date, and the dollar value shall be determined excluding duty, shipping, and related costs.

(f) AFFIDAVIT OF YARN SPINNERS.—The affidavit required by subsection (c)(2)(A) is a notarized affidavit provided by an officer of the producer of ring spun yarns that affirms—

(1) that the producer used pima cotton grown in the United States during the period January 1, 2002, through December 31, 2002, to produce ring spun cotton yarns, measuring less than 83.33 decitex (exceeding 120 metric number), in single and plied form during 2002;

(2) the quantity, measured in pounds, of ring spun cotton yarns, measuring less than 83.33 decitex (exceeding 120 metric number), in single and plied form during calendar year 2002; and

(3) that the producer maintains supporting documentation showing the quantity of such yarns produced, and evidencing the yarns as ring spun cotton yarns, measuring less than 83.33 decitex (exceeding 120 metric number), in single and plied form during calendar year 2002.

(g) NO APPEAL.—Any amount paid by the Commissioner of the Bureau of Customs and Border Protection under this section shall be final and not subject to appeal or protest.

SEC. 408. TAX COURT REVIEW OF REQUESTS FOR EQUITABLE RELIEF FROM JOINT AND SEVERAL LIABILITY.

(a) IN GENERAL.—Paragraph (1) of section 6015(e) of the Internal Revenue Code of 1986 (relating to petition for tax court review) is amended by inserting '', or in the case of an individual who requests equitable relief under subsection (f)'' after ''who elects to have subsection (b) or (c) apply''.

(b) CONFORMING AMENDMENTS.—

(1) Section 6015(e)(1)(A)(i)(II) of such Code is amended by inserting ''or request is made'' after ''election is filed''.

(2) Section 6015(e)(1)(B)(i) of such Code is amended—

(A) by inserting ''or requesting equitable relief under subsection (f)'' after ''making an election under subsection (b) or (c)'', and

(B) by inserting ''or request'' after ''to which such election''.

(3) Section 6015(e)(1)(B)(ii) of such Code is amended by inserting ''or to which the request under subsection (f) relates'' after ''to which the election under subsection (b) or (c) relates''.

(4) Section 6015(e)(4) of such Code is amended by inserting ''or the request for equitable relief under subsection (f)'' after ''the election under subsection (b) or (c)''.

(5) Section 6015(e)(5) of such Code is amended by inserting ''or who requests equitable relief under subsection (f)'' after ''who elects the application of subsection (b) or (c)''.

(6) Section 6015(g)(2) of such Code is amended by inserting ''or of any request for equitable relief under subsection (f)'' after ''any election under subsection (b) or (c)''.

(7) Section 6015(h)(2) of such Code is amended by inserting ''or a request for equitable relief made under subsection (f)'' after ''with respect to an election made under subsection (b) or (c)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to liability for taxes arising or remaining unpaid on or after the date of the enactment of this Act.

Amend the title to read as follows: ''An Act to amend the Internal Revenue Code of 1986 to extend expiring provisions, and for other purposes.''

The SPEAKER pro tempore. Pursuant to House Resolution 1099, the gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. RANGEL) each will control 30 minutes.

The Chair recognizes the gentleman from California.

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

Mr. Speaker, to make sure that Members understand what we are doing, and, quite frankly, why we are doing it today rather than yesterday, is that we are considering H.R. 6111. H.R. 6111 is a bill that passed the House on suspension by voice vote on December 5. It then passed the Senate by unanimous consent with an amendment yesterday, December 7.

We are doing this as the House of Representatives to assist the Senate under its rules to facilitate the handling of the amendment we are now discussing, and we are doing this because given the Senate rules, they

would require a 2-day layover, two cloture votes and a number of other procedures. By doing this this way, we will save them a day and a cloture vote. Once again, the courtesy and kindness of the House is assisting the Senate in accomplishing the work of the Congress.

So, if you will please understand, the gentleman from New York and I will lead a discussion on the amendment to H.R. 6111. In fact, the amendment is as though the entire text of H.R. 4608, the Tax Relief and Health Care Act of 2006, is before us. In addition to that, there are several other provisions that accompany the Tax and Health Care Relief Act.

So, notwithstanding the merits of H.R. 6111, the discussion will be on the so-called tax extenders bill; the energy extenders bill; Medicare, the so-called doctors fix; the health care provisions; certain wilderness designations; some tariff procedures and other items which will in fact be the subject of the debate we are about to be engaged in.

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

□ 1330

Mr. RANGEL. Mr. Speaker, I ask unanimous consent to yield 15 minutes to the gentleman from Massachusetts (Mr. MARKEY), who is in opposition to the bill before us.

The SPEAKER pro tempore. Without objection, the gentleman from Massachusetts will control that time.

There was no objection.

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

I concur, Mr. Speaker, with the observations of the chairman as to the content of this bill. Naturally, this is the last day of the 109th Congress, and I do hope that the new majority would at least learn how not to legislate. Most of the Members have no clue as to what is in this bill. This is a late hour. There is certainly far more good in it than bad.

I wish we had seen fit to have been able to get the New York Liberty Bond 9/11 relief converted to a transportation infrastructure, which was stripped from this bill that passed the House before.

There are other things in this bill, and I assume those people who are asking for time will be discussing them.

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

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

Perhaps again it is necessary to underscore the fact that the procedure we are going through is not the choice of the House. The current minority leader, to be the majority leader, and I know I am violating the rules when I say the gentleman from Nevada, personally called and asked that we engage in this procedure to assist the Senate. I do hope the gentleman from New York, when he assumes his majority rule, will see fit to accommodate even Members of the other party in making sure that the people's work is done in the most reasonable fashion possible.

So, yes, it seems a little bit complicated, but it is in large part because both the Democratic and the Republican leadership of the Senate asked for our assistance in doing it this way.

Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH), a distinguished member of the Ways and Means Committee.

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

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from California, and I would be remiss if I did not take a portion of this time to thank him for his stewardship and his time as chairman of the Ways and Means Committee.

While we are in a period where we move to complete the 109th Congress and we look ahead, it is worth noting that what has passed is prologue, and indeed, as we have just come through a campaign where the cry has been for bipartisanship, for consensus, I commend one of the procedures, or one of the provisions, that is included in this legislative vehicle of extenders for tax considerations, and that is, the extension of the solar and fuel cell investment tax credits.

Why do we offer this? Well, because there is support for alternative forms of energy and, in particular solar power, from all America. Eighty-two percent of Republicans, 77 percent of Democrats, 87 of Independents say we need to find alternative forms of energy.

Mr. Speaker, for over a decade, I have been honored to represent the people of Arizona, more specifically, the eponymously nicknamed Valley of the Sun. But from Maine to Montana, from Arizona to Alaska to Alabama, across the country we need to utilize alternative forms of energy such as solar energy, such as fuel cell technology, and this provision does so.

We extend it for an additional year. Were it up to me, I would like to see it for a full decade, but as we know, as my good friend, the late John Rhodes, our former House Republican leader, used to say, ''Politics is the art of the possible.''

Today with this legislation, though some are troubled by process, we have a chance to produce results. I ask you to join us in passing this legislation and extending solar and fuel cell investment tax credits.

Mr. MARKEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, this bill contains a provision which really is unrelated completely to the tax extenders. There are indeed tax credits and other things, very good; but what they have decided to do is attach a rider to this bill, and that rider is a special sweetheart deal that changes the entire formula for the collection of royalties, that is, taxes, for the American people for oil and gas which is drilled for on public lands.

Because of this change in formula, $170 billion is going to be transferred from the pockets of the American taxpayer of 46 States and sent to four States. In the course of the debate this afternoon within the hour, we will be considering an amendment, an amendment which will say that if any oil companies want to drill for the oil in the gulf that is going to be permitted under this new bill, that these companies must renegotiate the old leases which they received back in the 1990s, which, believe it or not, makes it possible for them to escape paying royalties on oil and gas drilled for on public lands in the United States. Even if the price of oil goes to $40, $50, $60, $70, $80 a barrel, oil companies do not pay any more royalties.

Well, what our amendment will say is that they must renegotiate. The oil and gas industry must renegotiate with the Federal Government to return those windfall profits on the old leases before they are going to be allowed to drill for these new leases in the Gulf of Mexico. In that way, the taxpayers will reclaim $20 to $30 billion of revenues that can be used for health care, for education, to pay for the war in Iraq, to balance the Federal budget.

So I just want all the Members to know that that is the nature of the amendment which is going to come up within the hour. It is fair. If the oil companies are going to receive such a boon out of this bill, if the gulf States are going to receive such a boon out of this bill, as much as I object to it, the least that we should be able to say is that we reclaim those revenues, and as a bonus, Mr. RANGEL has inserted into the amendment, which I will be making, a provision which extends the AMT protection for 20 million Americans so their taxes do not go up next year, 2007.

So with two things, you reclaim 20 to $30 billion from oil companies and you protect all taxpayers from an increase in the AMT.

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

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

Mr. Speaker, so that people again understand the process, notwithstanding the fact we are dealing with what amounts to a tax bill, because of the unusual procedure of using H.R. 6111 as a vehicle, asked for by the bipartisan leadership of the Senate and provided by us as a courtesy, there would be no motion to recommit available to the minority. This is a substantive amendment which is functioning as a substitute for the motion to recommit.

It has been indicated to me directly by that bipartisan leadership and those individuals I mentioned that if what was to be a motion to recommit and which will now be a substantive amendment passes, in their opinion, this bill will not be able to move through the Senate.

It may surprise the gentleman from Massachusetts to know that I agree with virtually everything he said and would like to add additional items in terms of the OCS provision. In fact, an Outer Continental Shelf measure passed the House. The measure that is currently carried in this amendment is totally isomorphic, exactly the same as the Outer Continental Shelf legislation that passed the Senate, that the Senator from New York, Mrs. CLINTON, that the Senator from Nevada, Mr. REID, and others supported 71–25. Need I say, this is an additional courtesy that the House is providing.

If, in fact, Mr. MARKEY's amendment passes, everything we will be talking about for the rest of the time on this amendment will be moot.

Mr. Speaker, it is now my pleasure to yield 2 minutes to the gentleman from Illinois (Mr. WELLER), an extremely valued member of the Ways and Means Committee.

Mr. WELLER. Mr. Speaker, I thank the chairman for his leadership in the last 6 years in the House Ways and Means Committee. It has been a privilege to serve with you and under your leadership.

I rise in support of this legislation, which is known as the extender legislation, extending tax provisions which expired this past year, all tax provisions that have an economic impact on investment decisions affecting the economy in my district and the economy of our Nation.

I am pleased that we are extending the work opportunity tax credit. I am pleased we are extending the welfare-to-work tax credit. I am pleased that we are combining these two to make them much more efficient. When Ronald Reagan created the welfare-to-work tax credit back in the early 1980s, his goal was pretty simple: let us give those who are on the welfare rolls an opportunity to get a job and incentivize private employers to do that, and it has worked. In the district I represent, an estimated 700 workers today have jobs because of the work opportunity tax credit.

Most are pleased that this legislation extends and expands the brownfields tax incentive. I represent an oil industrial area. They have brownfields, old industrial parks. We want to recycle them. We want to reclaim them. We want to revitalize the neighborhoods they are located in. The brownfields tax incentive provides that incentive for private investors to purchase it, help recover their costs in environmental cleanup.

Also in this legislation we expand it. Forty percent of brownfields have petroleum contamination. If you are driving through a community and you see that old abandoned gas station that has been there for decades and you wonder why somebody has not bought it, that is because there is petroleum contamination. This tax incentive will help clean that up and revitalize that strategic corner in your community.

Also, I want to commend this House and this committee on moving forward on extending the energy-efficient homes tax incentive. When you often think about it, 20 percent of the energy we consume in America is consumed in our residences, in our homes, and people when they put a little extra money in their home, they want to make their bathroom nicer or they want a nicer, fancier kitchen, they do not always think about the need to conserve energy. The energy-efficient homes tax incentive encourages home builders, those building new construction, new homes to make them better insulated, better windows, better doors and ceilings and reducing energy costs.

I would note that both brownfields provisions and the energy-efficient residential tax incentive are both important environmental initiatives as well. We often talk about jobs being created, but when you reduce energy consumption, when you clean up and revitalize old industrial parks and, frankly, when you give those on welfare an opportunity to work, we all win.

So I encourage bipartisan support for this legislation, urge an ''aye'' vote.

Mr. RANGEL. Mr. Speaker, I am privileged to yield 2 minutes to the gentleman from Michigan (Mr. LEVIN), a senior respected member of the Ways and Means Committee.

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

Mr. LEVIN. Mr. Speaker, I thank Mr. RANGEL.

All due respect to the energies and labors of the chairman of the committee, this is another example of how not to legislate. I favor the extenders bill. Almost everyone else in this place does. Mr. RANGEL has been talking about extenders extensively.

An extenders bill could pass this House and could pass the Senate today on its own, just like this. Why is that not happening? It is not just because the gentleman from Arizona says politics is the art of the possible. It is also because it should be the art of the rational and the art of the appropriate, and this package is not appropriate.

Mr. MARKEY has spoken so eloquently about the Continental Shelf legislation, and now we are threatened that if his amendment fails the whole bill fails, which I think is a statement of how not to legislate. We do not want to legislate by holding ourselves hostage. That is not the way to legislate.

□ 1345

And also there will be some discussion about the health savings account. That proposal could not pass on its own, so essentially it is being packaged with the extenders bill because it is the only way to get it through here. We will do it differently next year; we will serve the people of this country more effectively, more openly. When there is a bill like the extenders bill that can rise on its own, it will do that.

The Senate says they need our cooperation. We will cooperate. It would be better to send the extenders bill on its own.

So all of us will have this choice, a package of good and bad, and each of us will have to make that decision, a decision we should not be forced to make.

Mr. MARKEY. I yield 3½ minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I want to thank my friend and colleague from Massachusetts for his initiative on this legislation, because what he is doing is making available to this House the opportunity to correct a very serious problem which has been existing now since 1995.

In 1995, this House and this Congress passed a law which essentially allows the oil companies to take oil and natural gas from the American people out of their public property without paying them the royalties that are owed to them. This ridiculous situation has been going on now for more than 10 years.

We have an amendment that is being offered to this bill which every Member of this House should vote for. If they have any respect for their obligations to the American people, every Member of this House should vote for this amendment, because what this amendment does is this, very simply: It says to the oil companies, if you want new leases so that you may increase your profits by taking a very valuable commodity from public property owned by the American people, if you want to be able to do that, you have to in order to get those new leases renegotiate the old leases that you have on public property so that you will pay back to the taxpayers of America the money that you owe them on this commodity, oil and natural gas.

It is a very simple and very reasonable thing to do. If we fail to do it, what will happen is this. According to the Department of the Interior, the taxpayers of America will lose as much as $60 billion which will go into the pockets of the oil companies who are already realizing record profits. The oil companies have more cash than they know what to do with. And what this Congress has been doing is allowing them to increase their profits by taking a product that is owned by the taxpayers of America, exploiting that situation, increasing their profits, and not paying back the percentage of royalties that is owed to the people of this country. So it is a very simple amendment, and there is absolutely no reason why it should not pass.

This House already passed an amendment just like this. Back in May, Mr. MARKEY and I offered an amendment to an Interior appropriations bill which would do precisely the same thing. That amendment was adopted by this House by a very substantial margin. The problem is the Interior appropriations bill went over to the other Chamber and since then nothing has happened with the bill, it has just laid there idly. And so the situation now continues to exist.

So what the majority here apparently wants to do is to say that even though the oil companies have leases on 80 percent of the land that is available, of the offshore land that is available, they want to increase that above and continue to take this product and continue to take this commodity from the American people without paying them back the money that is owed to them.

This has got to stop. It has been going on now for more than a decade. The people of this country continue to suffer. And that is one of the reasons why they made the decision on November 7 that they did, because they recognize the suffering that they have been exposed to as a result of the carelessness and exploitation that has been authorized by this Congress.

Pass this amendment, correct the mistake, give the American people the money that is owed to them, and do it in a just way.

Mr. THOMAS. Mr. Speaker, I appreciate people and their passion getting a bit carried away.

This bill was signed into law by the last Democratic President, Mr. Clinton. It was on your watch. To stand in the well and tell us what is in the amendment that is going to be offered in a short time, after being criticized that they have only had 2 days on the content of our amendment, is absolutely unbelievable.

We made this amendment in order because you didn't have the right to the motion to recommit. The Rules Committee out of courtesy asked you, could we have a copy of your amendment? You told the Rules Committee ''No, you couldn't have a copy of the amendment.''

Mr. MARKEY earlier described your amendment as having more than one item. Mr. HINCHEY talked about it being OCS. Mr. MARKEY said it was OCS and it was AMT and it may be something else.

What amazes me is that they can stand there with a straight face and criticize us because they only got the copy, the absolute legislative language, 2 days ago on our bill, and they have the audacity to go to the well and describe their amendment and what it is when they won't even give us a copy of it. Now, this is a preview of the coming majority in terms of their saying one thing and doing another. Buckle your seat belts. The piety and the arguments about how correct they are and how unfair it is was just said. This was done by this Congress, it was signed by President Clinton, and we have no idea what is in your amendment because you didn't even offer the courtesy of giving us the language of your amendment notwithstanding the fact that we gave you the privilege of offering an amendment. Now, that is what this is about. Okay?

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HERGER), a member of the committee.

Mr. HERGER. Mr. Speaker, I rise in strong support of the tax relief legislation before us today.

I would also like to make a note of thanks to Chairman BILL THOMAS. BILL is ending a prolific 6-year tenure as chairman of the Ways and Means Committee, during which he has been responsible for the passage of each pro-growth and pro-family tax measure since 2001. I would like to thank Chairman THOMAS and his staff for their work which has continued through the writing of today's legislation.

Among the expiring tax relief measures is an extension and modernization of the research and development tax credit. In my own home State of California, more than 6,600 firms perform R&D, helping to make California number one in reported research and development activity. In the face of an extremely competitive global marketplace, the R&D tax credit helps keep America first among other nations in new cutting-edge innovation.

Also included is a provision that helps bring equity to farmers and small businesses in rural areas such as my own home district in northern California. Agricultural aviators, who are exempt from fuel excise taxes, will now be able to claim tax refunds directly without having to rely on fuel suppliers to pass along this benefit. Even though this is a small change, it will help reduce fuel costs for ag aviators and spraying costs for farmers who employ ag aviators to plant and maintain their crops. Mr. Speaker, I urge passage of this bill.

Mr. RANGEL. Mr. Speaker, I am going to be very careful in the words that I select because I am not certain that the House physician's office is still open, and I just don't want to get overstressed over a parliamentary problem that we are having here. But it is very difficult to understand how the outgoing chairman could be so frustrated that the amendment is coming at this late hour, because we cannot really get an amendment together until we know what we are amending, and I assume that we didn't know that until sometime early this morning at a meeting that took place at a room which I don't know where it exists. So I think that this amendment that we do have deals with an issue that we never expected to be included in the extended bills. And under the parliamentary procedures that we have in this august House and this institution, Members, even if they are in the minority, have an opportunity at any time to raise it before the House. And we hope that we can extend this courtesy for the years that we have to come.

I would like to yield 2 minutes to the distinguished gentleman Mr. POMEROY from the sovereign State of North Dakota.

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding and would amplify just for a moment on his point. You can't get your amendment set until you know what the underlying bill is. And with all the moving parts in the underlying bill, that simply was not possible.

But I believe that this election was about restoring more of a bipartisan tone to the functions of this Chamber. And in that context, I want to tell the departing chairman I wish him well as his service in this body comes to a conclusion. I wish all my Ways and Means colleagues, Republicans and Democrats alike, a very happy holiday season.

There are several portions of this bill that are important, and I applaud those who constructed this legislation for including these components. I am not speaking about the amendment which will be brought; that will be dealt with by other speakers. But there is a lot of good in this bill, and I don't want it lost in the discussion here.

I chair, along with GREG WALDEN, a bipartisan group, the Rural Health Care Coalition. We have advanced legislation to try to improve the unfairness of the Medicare system relative to rural hospitals. I am pleased that the bill includes provisions, including a continuation of the geographic classification issue, section 508, that was in the Medicare Modernization Act and addresses reasonable cost payment for lab tests in small rural hospitals and a number of other provisions found their way into this bill. They are important to us, and I speak in favor of them.

I also believe that it was absolutely essential we address this physician payment issue in this legislation. It should be underscored, I suppose, that this is just a very stop-gap fix and more will need to be done. There is some very important features in here on renewable energy as well. The plus-up of the clean renewable energy bonds with an additional $400 million to fund renewable energy projects, extremely important. A 1-year continuation of the wind production tax credit is, no question, going to allow more wind farms to be brought online, bringing this renewable energy source, clean renewable energy source, more into our power mix. And the extension of the ethanol tariff is also important, something to keep in mind as we consider it this afternoon.

Mr. Speaker, I rise in support of H.R. 6111, the Tax Relief and Health Care Act of 2006 as it provides for much needed relief for those physicians, hospitals and laboratories who serve North Dakota's 103,000 Medicare patients.

As you know, the Medicare Modernization Act made long overdue corrections to significant flaws in Medicare payment schemes that have made a tremendous difference to the hospitals, doctors and other providers in my State and throughout the rural America. Several of these provisions, which help to level the playing and simply keep hospitals and doctors offices open, have or are about to expire. However, access to health care services in rural areas continues to be in jeopardy due to physician shortages, low patient volume and geographic isolation. In my own State of North Dakota, over two-thirds of our counties are designated as Physician Scarcity Areas.

That is why Representative GREG WALDEN, myself and over 50 other bipartisan members of the Rural Health Care Coalition introduced H.R. 6030, the Health Care Access and Rural Equity Act, otherwise known as H–CARE. This commonsense legislation significantly improves health care quality and access in North Dakota and rural America while also increasing the viability of rural providers.

I am pleased to see that a number of the provisions Representative WALDEN and I authored for H–CARE are included in today's bill. From extending the Medicare Modernization Act, MMA, floor on the Medicare work geographic adjustment for physician services to continuing to provide reasonable cost payment for lab tests in small rural hospitals, H.R. 6111 helps to maintain important corrections in our current Medicare payment system. In addition, this bill extends a critical provision of the MMA that created greater wage parity between hospitals in my State of North Dakota.

These MMA rural health provisions have already made a tremendous difference in our State. For example, one hospital was able to use the funding to recruit four new physicians. Other hospitals used the funding to invest in capital infrastructure including much needed and costly ultrasound equipment and electronic health record systems. In addition, these hospitals were able to increase salaries anywhere from 4 to 8 percent.

While H.R. 6111 extends many critical rural health care provisions from the MMA and brings temporary relief for our Nations physician's, our work is not done. I think we would all agree that the physician payment system under Medicare is a flawed system that penalizes efficient care and rewards excessive care. I look forward to working with my colleagues in the 110th Congress in a bipartisan manner to improve our Medicare physician payment system and further advance the remaining components of H–CARE in order to improve access to quality, affordable health care in North Dakota and rural America.

This bill also contains important provisions for our growing renewable energy industry. Included in H.R. 6111, the Tax Relief and Health Care Act of 2006, are an extension and expansion of the Clean Renewable Energy Bond program, a 1-year extension of the Wind Production Tax Credit and over a year extension of the ethanol tariff that protects American ethanol producers from subsidized foreign ethanol.

Through this continued investment in renewable energy we not only build a sustainable industry for our State but we are helping make America more energy independent and more secure.

Clean Renewable Energy Bonds, which I helped develop as part of the 2005 Energy Bill, can now be offered for an additional year and have been authorized to release an additional $400 million of clean energy bonds. In North Dakota we have already seen the effects that Clean Renewable Energy Bonds can have. The city of Fargo will be using Clean Renewable Energy Bonds to finance a wind tower and a methane gas facility that will be used to reduce the city's energy costs. Great River Energy will also be using these energy bonds to finance the construction of a coal drying facility which will not only increase the efficiency of North Dakota lignite coal but also reduce emissions.

Clean Renewable Energy Bonds work by allowing a Federal tax credit to holders of bonds issued by public utilities and cooperatives to finance clean energy projects. Not-for-profit utilities can sell clean energy bonds to stakeholders, but instead of the utility or cooperative paying out interest to the bondholder, the Federal Government would give the bondholder a tax credit. These bonds provide what amounts to interest free loans for co-ops and public power systems to finance renewable energy projects.

This bill also extends the wind production tax credit to 2009. In 2015, wind energy generation is expected to reach 63 gigawatts with the tax credit in place compared to an estimated 9.3 gigawatts without. This represents a 650 percent increase in wind generation.

However, without stabilizing the tax credit, companies like DMI Industries in West Fargo and LM Glassfiber in Grand Forks are in constant limbo. DMI manufactures wind turbine towers and had furloughed over 100 employees in late 2003 after the expiration of the wind production tax credit. LM Glassfiber, which manufactures wind turbine blades, had previously idled all production due to the delay in extending the wind tax credit and was forced to furlough 60 to 70 employees.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

□ 1400

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for yielding and for all of his leadership, and I congratulate the dean of our delegation, CHARLIE RANGEL, for working hard on this bill and restructuring of the bond issue for New York City, among other issues.

Why I am rising today, however, is the audit report that came out 2 days ago of the Department of the Interior. It was a scathing indictment of mismanagement and cronyism. In my years on the Committee on Government Reform, it is the worst report I have seen and it documents billions of dollars that are owed to the American people for oil and gas extracted from federally owned land, land owned by the American people. These revenues are not coming into the Treasury, but into the pockets of the oil industry.

I rise in support of the Markey-Hinchey amendment, which includes, among other things, a renegotiation of these leases to pay a fair price to the American public and to our country. It is long overdue. We should not tolerate this type of mismanagement. It showed that the number of audits have gone down, the number of auditors have come down. They have a paper compliance review board that has oversight which amounts to pushing paper around. It is not a watchdog, but a lap dog, for private industry as opposed to documentation of what is fairly owned to the American people and to our government.

Correcting this will literally bring 10 to $30 billion into the Treasury of the United States. It is the fair thing to do. It is the right thing to do. We should all follow and read this important report and vote to renegotiate the rip-off leases and have them pay a fair deal for what they are reaping for their own pockets.

Our constituents are paying record prices at the pump and for heating oil; yet the oil companies are not paying their fair due for their leases on American federally owned property. This is an important amendment, and I urge my colleagues to support it.

Mr. THOMAS. Mr. Speaker, I yield myself 5 seconds.

Mr. Speaker, this is the third Member on the other side of the aisle who spoke passionately about an amendment that apparently they have had time to write, circulate and read. We have not been presented with that amendment. Obviously, with some fervor, I indicated that I didn't think that probably was the fair thing to do. They now know how the majority feels, having given them the right to offer an amendment. My assumption is that continued refusal to provide us with a copy of the amendment is willful.

Mr. RANGEL. You may not have received the amendment, but you have received the best wishes from the Democrats on your 65th birthday, and we wish you well.

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from California.

Mr. THOMAS. That was 2 days ago. What are you doing for me lately?

Mr. RANGEL. We are saying goodbye.

Mr. Speaker, I would like to yield 2 minutes to an outstanding Member who has served this Congress and served the Ways and Means Committee with distinction. And as he goes to raise the level of intellect in the other body, I yield to him on this bill.

Mr. CARDIN. Mr. Speaker, let me thank Mr. RANGEL not just for yielding me this time, but for your friendship. I have enjoyed my years on the Ways and Means Committee. Mr. THOMAS, I wish you only the best. It has been an incredible experience to serve on the Ways and Means Committee.

It is interesting that the last bill that we will be considering, maybe not the last because we will have a trade bill later, but this bill causes me some trouble because of the manner in which provisions have been brought together. It seems to me that we should have had an opportunity to vote on many of these provisions separately.

Several provisions that have been incorporated in this bill I have voted against, and I would like an opportunity to do that again.

I am troubled because there are some very important provisions included in this legislation. As you know, we let expire many important tax provisions in the beginning of this year, and this bill will reinstate those provisions effective for 2006 and 2007.

I am particularly pleased that the research and development credit is extended and improved for 2007. I worked with Mr. WELLER from the other side of the aisle so we could make the research

and development credit more available for businesses today. I am glad that is included.

I am glad that we have extended the deduction for higher education expenses. We need to bring down the cost for higher education for families in this country.

On the environmental front, I am very pleased we have extended the provisions for electricity-using renewable sources. That is certainly in our interest as a Nation on energy independence.

I am also pleased that on the Medicare side we have found a way to provide relief for physicians update for this year. I hope that we will be able in the next Congress to do that on a permanent basis, and I am pleased also that we have been able to extend therapy cap provisions so that the harsh impact will not be felt by Medicare beneficiaries.

Mr. Speaker, there are many provisions in this bill that are extremely important for us to enact before we adjourn sine die. I am pleased that the provisions that have come under the jurisdiction of the Ways and Means Committee are provisions that I think are important to be enacted, and I hope we will find a way to ensure that they are enacted before we adjourn sine die.

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

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BECERRA), an outstanding member of the committee.

Mr. BECERRA. Mr. Speaker, here we are on December 8 talking about legislation that we had discussed in prior months this year before this Congress was set to adjourn officially on September 30. We find today a circumstance where we have some very good provisions that are lumped together in this legislation.

We have provisions in this bill that would promote the cleanup of brownfields. Those are contaminated sites throughout this country that are lying empty because they are too contaminated to use and too expensive to clean up. We are going to promote the cleanup of those brownfields.

We are going to provide a better way to have environmental settlements occur so we have funds in place that will then be used to help pay for cleanup of environmental degradation.

We have the very important research and development tax credit which so much of American business needs to know about so they can make sound investments into the future about what to devote their next 10–20 years' worth of money into in terms of research and development.

We have the welfare-to-work tax credit to get folks on welfare back to work.

We have the extension of the American Jobs Creation Act for Puerto Rico manufacturing; but we have a lot of other things as well that don't belong here.

It is one of those circumstances where you are looking at a great baby that just took a bath and you are wondering how you can get rid of the bath water without getting rid of the baby. Unfortunately, it is a circumstance where many Members are probably going to wait until the time of the vote to decide if it is worth throwing away the bath water and not jeopardizing the baby.

I must say, it is good to know we are at December 8 with a vote having taken place in November, with the American public having told us enough is enough, we want a new direction and a new way of doing things. I hope come 2007 this Congress will behave itself in a way that makes the American people proud of what it has so we don't have circumstances where a lot of Members say there is some great stuff here, and a lot of bad stuff, too. At the end of the day, this will be a vote that no one will be too proud of, but hopefully will move us forward.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

(Mrs. CAPPS asked and was given permission to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I rise in reluctant opposition to this package of bills the Republican leadership has brought to the floor.

Included are many provisions that are worthy of support of this House. The bill extends important energy-efficiency tax credits, provisions so important to American families and businesses, which should be extended.

The bill also prevents what would have amounted to a 5.1 percent cut in Medicare physician reimbursements. That cut would be devastating, hindering physicians' ability to treat their patients.

But I must vote against this package because it includes the so-called Gulf of Mexico Energy Security Act. That act makes this bill fiscally irresponsible. According to estimates, the bill will drain $170 billion from the Federal Treasury over the next 60 years, creating a new entitlement immediately, giving away huge amounts of revenue from offshore drilling, mostly to only four Gulf Coast States. It is a great deal for those four States, and I understand why they would support it; but what I don't understand is why any colleagues from the other 46 States would agree to it.

The offshore waters of the gulf coast belong to all Americans, as do the Pacific and Atlanta Oceans, the Great Lakes, and public lands. This country has record deficits as far as the eye can see, and it is simply irresponsible to add billions more in new debt through legislation like this.

Mr. Speaker, in the new Democratically controlled Congress, we can and we should craft a sensible new energy policy, one that helps Louisiana and other States rebuild wetlands and restore their coasts, and one that makes America less dependent on fossil fuels. And one that doesn't bust the budget.

Sadly, this bill falls woefully short.

Mr. Speaker, I rise in reluctant opposition to this package of bills the Republican leadership has brought to the floor this evening.

This bill includes many provisions that are worthy of the House's support.

For example, the bill extends the Research and Development tax credit and important energy efficiency tax credits. These tax provisions are important to American families and businesses and should be extended.

The bill also prevents what would have amounted to a 5.1 percent cut in Medicare physician reimbursements. This cut would be devastating, hindering physicians' ability to treat their patients. And it would make it even harder for Medicare beneficiaries to have the best possible access to quality health care.

I have long been vocal in my support for reforming the flawed physician fee structure so I am pleased that this provision will become law. But it is a pity that the Republican leadership has waited until the last minute to enact this provision.

Mr. Speaker, I have faith that the incoming Democratic Majority will move quickly to address this and other Medicare payment problems, like the geographic practice cost index problem plaguing my district, in the 110th Congress next year. I know that I will be working hard to see these issues addressed.

We simply must revamp the Medicare physician payment structure to ensure our doctors are being paid appropriately and that our patients can be assured of readily available quality health care.

But Mr. Speaker, I must vote against this package because it includes S. 3711, the so-called Gulf of Mexico Energy Security Act.

There are several reasons that I oppose S. 3711.

First, it's bad energy policy. Our first steps in crafting a new energy policy should be to reduce demand and develop new alternative and renewable energy sources. We missed that opportunity in last year's misguided energy bill and sadly, this bill continues that mistake.

Second, this bill is fiscally irresponsible. According to estimates, the bill will drain $170 billion from the Federal treasury over the next 60 years. It creates a new entitlement immediately giving away huge amounts of revenue from offshore drilling, mostly to only four Gulf Coast States.

This is a great deal for these four States and I certainly understand why they support it. What I don't understand is why my colleagues from the other 46 States would agree to it. The offshore waters of the gulf coast belong to all Americans, as do the Pacific and Atlantic Oceans, the Great Lakes and other public lands.

Mr. Speaker, we have record deficits as far as the eye can see and it is simply irresponsible to add billions more in new debt through legislation like this.

Finally, this bill will damage our environment. It will bring the 25-year-old bipartisan moratorium against new drilling off America's coasts one step closer to an end. It threatens our coastal economies with the risk of pollution and oil spills.

Mr. Speaker, in the new Democratically controlled Congress we can—and should—craft a sensible new energy policy. One that helps

Louisiana and other States rebuild wetlands and restore their coasts. One that makes America less dependent on dirty fossil fuels. And one that doesn't bust the budget.

Sadly this bill falls woefully short.

And that's why I urge my colleagues to support the Markey-Boehlert motion to recommit.

This motion would prevent the Interior Department from awarding leases to companies that are currently drilling in American waters without paying royalties. We need to bring the oil companies back to the negotiating table to close the royalty relief loophole.

And, Mr. Speaker, as one of the last acts of this Congress we need to pass a clean bill that extends these critical tax credits and fixes the flawed physician fee formula once and for all.

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

Mr. Speaker, I want to thank my friend from Massachusetts for providing the majority with the amendment.

Frankly, I was rather baffled why my friend from New York would yield half their time to the gentleman from Massachusetts since he has time under his own amendment. Having now seen the amendment, I find it interesting that it is an 11-page amendment, a portion of a page is on research credits, a portion of a page is on the alternative minimum tax. The Outer Continental Shelf portion of the 11-page bill, which has been the sole focus of my friends on the other side of the aisle, is six lines. Not six pages, six lines.

What in the world is in the rest of the 11-page bill: Eight pages address putting back into this, over the objections of the Democratic leader on the Senate side, the New York railroad bond provision. I now understand why Mr. MARKEY got his 15 minutes.

Mr. Speaker, it is my pleasure to yield 2 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), the chairman of the Health Subcommittee.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in support of this legislation because it adopts a number of extremely important tax provisions, expensing of brownfields remediation costs, mental health parity benefits, deduction of higher education expenses, the work opportunity tax credits, incentives for renewable and alternative sources of energy, and the R&D tax credit with its new forward-looking option; but it also helps to ensure that our senior citizens will be able to choose the physician of their choice by preventing the scheduled 5 percent cut in physician Medicare reimbursements.

In addition, it extends the 508 hospital payments and requires a study of how to reform the wage index system, laying the foundation for needed reform in that area.

The Medicare home demonstration project it adopts will reward small physician offices for managing patients with chronic or severe illness more holistically, both to reduce the cost of medical care and to improve the quality of the care those seniors receive.

But while I support this bill, I believe the 1-year doctor payment policy it adopts is deeply flawed and urge my colleagues to develop a more thoughtful and fair approach to reflecting the quality of physician performance in our Medicare payment system.

First, in any pay-for-performance system, clinical criteria for quality must emanate from the physician community. Bureaucrats must never be allowed to dictate medical practice.

Second, any pay-for-performance system must not penalize doctors who care for difficult, noncomplying patients, or patients for whom criteria has not been established.

Consequently, all doctors should receive some increase to recognize the increased cost of delivering care to our seniors, increased cost of malpractice insurance, health benefits for their employees and so on. And above that, a fair, balanced pay-for-performance system must be adopted.

I urge support of the bill.

□ 1415

Mr. RANGEL. Mr. Speaker, I would like to yield 1½ minutes to the gentleman from Louisiana (Mr. MELANCON).

Mr. MELANCON. Mr. Speaker, I thank the gentleman from New York for yielding.

I appreciate the fact that today is a historic day for Louisiana. After 50 years of producing the energy for this country that power the plants, that power the cars, that provide the heating oil and the natural gas, we finally are going to come to a point in Louisiana where we are going to get something in return for the efforts that we have put forth. And during those 50 years, our wetlands have been damaged. Our estuaries are eroding.

The Nation, I hope, will understand after these storms, and it is regretful that we had to have these storms in order to get the attention, but the marshlands, the wetlands, the estuaries of South Louisiana, the State in its wisdom has made a constitutional amendment to dedicate the funds that come from the revenues, and this will be new revenues, this will not be money coming out of the budget of the country, and it will be dedicated to rebuilding America's wetlands. It is America's wetlands because it provides for America energy and seafood, approximately 30 percent of each to the men, women, and children of this country.

I encourage everyone to please vote for this bill. Some have said it is too much money, but long ago the Louisiana delegation for decades has been asking for help and have been like the tree falling in the woods, unheard. Now is the opportunity to not only do something for energy production for this country but to do something for America's wetlands, and I urge your support and vote.

Mr. THOMAS. Mr. Speaker, will the gentleman yield on my time?

Mr. MELANCON. Yes.

Mr. THOMAS. Mr. Speaker, I thank the gentleman because I do appreciate the remarks that he just made. And we probably had not planned on highlighting it, but as the gentleman from Louisiana well knows, another portion of the changes that we are making in this package is to take what was known as the Katrina GO Zone, a benefit, and, after the time has passed, focus the money on those counties that still remain devastated by a high percentage of destruction. Rather than simply having money go where it may not be necessary, a portion of this bill focuses the money where it is absolutely necessary. And as the gentleman from Louisiana well knows, there are still major areas of his State and other States that can easily be defined as devastated.

Mr. MELANCON. Thank you, sir.

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

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

(Ms. WATERS asked and was given permission to revise and extend her remarks.)

Ms. WATERS. Mr. Speaker, I thank the gentleman from Massachusetts for the time.

The special interest Republican Congress is at it again. Republican leaders are packaging three different bills together in one in order to force Members of Congress to pass controversial legislation together with popular legislation. And once again they have brought this complicated legislation to the House floor without providing an opportunity for meaningful debate and without allowing Members to review the text of the bill in advance.

Before the election they packaged tax credit extensions and an increase in the minimum wage together with an estate tax cut that benefits some of the richest people in the country. Now they are packaging tax credit extensions and an adjustment in Medicare payments to physicians together with a special interest giveaway to their friends in the oil industry. This special interest bill opens up 8 million acres of Florida gulf coast waters to offshore oil drilling.

The American people are sick and tired of these deceptive procedures. That is why we won the election.

Perhaps my friends on the opposite side of the aisle just want to provide one more favor to the oil industry before they lose control of Congress next month.

Mr. THOMAS. Mr. Speaker, it is my pleasure now to yield 2 minutes to a valued member of the Ways and Means Committee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. First let me thank you, Chairman THOMAS, for your years of hard work to provide real tax relief for families.

Mr. Speaker, I know in Texas, in our region, our community, your leadership on restoring the State and local sales tax deduction, that saves our Texas families $1 billion a year that we

do not have to send to Washington, that can stay in their pocketbooks, stay in our communities, creates jobs in our State. And I know that on behalf of seven States to whom that deduction is so important, you have saved us from a $5.5 billion tax increase, and we are grateful.

In Washington we spend too much time debating what bills mean to each other and not enough about what bills mean to real families. Being able to deduct that sales tax is a real help for families, especially those who are starting out in life. Sales taxes add up so quickly.

This bill helps families struggling to afford tuition for their college students. It helps teachers who have to go into their own pocketbook to pay for classroom supplies each year. I do not think they ought to ever have to do that, but when they do, at least let them write those expenses off.

It helps American companies who are trying to compete against the rest of world afford the type of research it takes to keep jobs here in America. This allows people who are trying to get their first job off of welfare a chance to get some job openings they might not otherwise help. It allows seniors, like my mom, to see a doctor whom she knows and a doctor who knows her, because it does an important fix on the Medicare.

And for States like Texas, with this new bill, we will get some revenues from leases off our shores that will help us rebuild our coastal wetlands and preserve our shores.

This is a classic piece of legislation that helps so many people in America.

And while you can talk a good game about tax relief for middle-class families, it is another thing to actually vote for it. I am proud to vote for this bill. This is going to help a lot of families.

I encourage your support.

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

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

Mr. THOMAS. Mr. Speaker, at this time I will place a letter in the RECORD which is a clarification sought by the gentleman from Georgia (Mr. PRICE) to me.

CONGRESS OF THE UNITED STATES,
Washington, DC, December 8, 2006.

Representative J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: We would like to clarify the intent of certain provisions in Tax Relief and Health Care Act of 2006, H.R. 6111.

The first clarification addresses Section 1848(k)(2) of the Social Security Act as proposed to be added by Section 101(b) of H.R. 6111. The language presents the issue of 'consensus-based quality measures' and any 'consensus organization'. The intent of this language is to ensure that physician groups (such as the Physician Consortium for Performance Improvement) are actively involved in defining the quality measures and determining the quality data to be reported under the program.

The second clarification is in regards to the bonus payments for physicians who volunteer to report on quality measures starting in July of 2007 as proposed in Section 101(c) of H.R. 6111. The intent of the bill is to ensure that the 1.5 percent bonus money to be paid to physicians who participate in the voluntary reporting program are paid on all Medicare claims submitted [during the reporting period] by those participating providers, with the recognition of monetary caps.

We appreciate your leadership and dedication to this piece of legislation and to the House of Representatives.

Yours Truly,

BILL THOMAS,
Member of Congress.
TOM PRICE,
Member of Congress.

Mr. Speaker, it is now my pleasure to yield 2½ minutes to a member of the committee who will no longer be a member of the committee but who had, in the time that she was with us, made enormous contributions, the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I thank the chairman not only for yielding but especially for his 6 years of incredible service as chairman and his other years of service on the Ways and Means Committee. I have not in my 16 years as a legislator seen anybody who is so capable of developing great policy which certainly has produced an incredible return for this country.

Following with that, this legislation carries a number of important tax provisions and extensions of some of those great policies that have really helped the economy to grow in this country. With today's announcement of an additional 132,000 new jobs created this month, this adds to the 5.7 million jobs that our pro-growth tax policies have created since the year 2003.

These provisions are also important to the economy in my home area, especially in western Pennsylvania, where we have seen our unemployment rate drop to about 5 percent over the last 3 years from upwards of 7-plus percent.

Part of what is continuing to help development and job growth in my area are some of the incentives to redevelop brownfields; brownfields, those abandoned industrial sites that are very difficult to find the capital to clean up. We are extending the incentive to clean up brownfields. This is so hugely important to an area like mine where there are so many industrial sites that need to be redeveloped but also the expansion of that credit to areas that have some petroleum contamination, which will also help us clean up the smaller sites such as old abandoned gas stations. Extremely important to the communities I represent.

Also the green building incentives. These tax credits for the construction repairs for energy-efficient homes and commercial buildings are extremely important. My home area is home to development of such products. My area is home to a significant amount of design of green buildings and also development of such buildings. We have had a great spurt in that growth and are headquarters to the Green Building Alliance. That is certainly going to help our region.

But, finally, the issue of health care and health coverage is one that we have great strides in the last few years to improve for Americans. The other side can say what they want about HSAs, and I hear a lot of silliness in the characterization of HSAs from the other side of the aisle. There are more than 3.2 million enrollees in these health savings accounts, an alternative health coverage in this country. More than 30 percent of those individuals were previously uninsured. And I am going to restate that. More than 30 percent of people who put HSAs were previously uninsured. This alternative health coverage has provided so many opportunities for families who find it difficult to afford traditional health coverage. The changes that we include in this legislation will provide even more opportunity for more families to have very good flexible health coverage.

I urge my colleagues to support these changes. They are vitally important.

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

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

Mr. THOMAS. Mr. Speaker, at this time the Chair would recognize the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) for 2 minutes.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I certainly want to thank Chairman THOMAS. He has been a great chairman and has worked with everybody on both sides of the aisle and is sorely going to be missed. I know he doesn't like people to say nice things about him because he does not want to be known as a nice guy, but he truly is.

Florida, like other States, does not have an income tax, and only recently have the residents again been able to deduct the sales taxes from their Federal income tax. That is called parity. It is parity with other States. This deduction was about to expire at the end of 2005.

In recent months I and many others from States that only have a sales tax have heard from many constituents who are concerned about whether or not they will be able to claim this deduction as they begin their taxes, due April 15. Thankfully this legislation before us today will extend this critical provision.

I know throughout the last several months I have probably been the biggest nag to Mr. THOMAS about this issue. I know all of my colleagues from States that only have sales tax also have been making their views known that this does need to be continued.

I certainly want to stress that it is common sense, and, again, it is just parity. And we do need this very much-needed tax benefit and it is good that we are able to deliver it just before the holidays.

I want to thank the chairman.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, our Nation is faced with an unprecedented challenge in global warming. Saving the planet will undoubtedly require us to drastically curtail our use of fossil fuels. The CDC recently said, ''Climate change is perhaps the largest looming public health challenge we face.''

There are solutions available now, like conservation; efficiency; development of alternative energy, wind, solar, geothermal, green hydrogen. Congress is going to need to facilitate the transition to clean energy in the future.

Instead, the response of this Congress is to open up 6 million acres of protected area in the Gulf of Mexico to drilling for oil and gas. In other words, with this bill the response is more of the same of yesterday's destructive energy portfolio.

Wake up, Congress. Step into the 21st century of sustainable energy. Save our natural resources. Protect our environment. Save our planet. Or we are going to have more toxic air pollution, more fouling of the waters of the United States on which entire industries like fishing and tourism depend; and more global warming, more monopoly control of our energy by oil companies, more price gouging by oil companies, more record profits to the oil companies. In fact, this bill deprives the Federal treasury of $170 billion, further deepening our deficit. The government is subsidizing the oil companies, who are gouging the public, taking huge profits, while exploiting natural resources which belong to the people.

□ 1430

Then the oil companies refuse to pay to the government the royalties, which is why the Markey amendment is so important. You have to look at what this bill is going to do in permitting the opening up of six million acres for drilling of oil and gas. It, in effect, creates a transfer of wealth from the people of the United States to the oil companies, a transfer of wealth in terms of destruction of the environment. We are subsidizing the oil company's destruction of the environment. A transfer of wealth in terms of diminishing the health of the people of the United States. With all the environmental pollution that causes people's help to be degraded, well, guess what? That is a subsidy that they pay to the oil companies, and the oil companies make a profit on that.

We are ruining our planet. We are ruining our Nation because of corporate control of our energy resources. It is time to stop this bill, which is called the Gulf of Mexico Energy Security Act, folded into a larger bill. We need to stand up for clean energy. We need to stand up for the future of America and stand up for our planet.

Mr. THOMAS. Mr. Speaker, the Chair appreciates the vigor of the gentleman from Ohio on 6 lines out of an 11-page amendment.

The Chair now recognizes the gentleman from Pennsylvania (Mr. PETERSON) for 1½ minutes.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the gentleman for his leadership and knowledge that he has brought to this committee. It will be missed.

The most important part of this bill was just discussed, the energy portion of this bill. This starts, for the first time, opening up some energy for America.

It is interesting, Mr. MARKEY has talked about $170 billion thievery of our resources; 12.5 percent, or $55 million will go into the land and water conservation fund, if we produce it; and $225 billion will go into the treasury, if we produce the energy.

America, for the last 5 years, has had the highest energy prices in the world. And our homeowners are paying more to heat their homes than Canada, South America, Europe.

Our small businesses are paying the highest energy prices in the world, and our corporations are leaving this country. Petrochemical is moving. The best jobs we have left. Why? They use huge amounts of energy.

Fertilizer. Fifty percent of the fertilizer industry has left in the last 2 years, and our farmers will be buying Russian fertilizer to grow corn to make ethanol. Does that make sense?

Energy is the linchpin of the future of America's economy and the working people of this country having jobs. And the reason oil companies make excessive profits, when you shorten the supply of energy, the price goes up. And Congress is the reason we don't have adequate energy in this country. And many that we have heard today are the main speakers. And when you shorten the supply, the price goes up. And the oil companies who already own the inventories all over the world, the cheapest place to produce energy is in other countries, but when you produce it here, you create wealth in America for Americans and make it affordable for businesses to stay here and grow.

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

Mr. MARKEY. Mr. Speaker, I only have one speaker remaining.

Mr. THOMAS. Mr. Speaker, would you indicate the time remaining for each manager?

The SPEAKER pro tempore (Mr. FORBES). The gentleman from California has 3½ minutes. The gentleman from New York has 3 minutes, and the gentleman from Massachusetts has 2 minutes.

Mr. THOMAS. And would the Speaker indicate who has the right to close?

The SPEAKER pro tempore. The gentleman from California has the right to close.

Mr. THOMAS. Mr. Speaker, the chairman reserves the time.

Mr. RANGEL. I would just ask the chairman whether he is going to be the last speaker, then I can just use whatever time I have.

Mr. THOMAS. I would tell the gentleman that I have the chairman of the Energy and Commerce Committee and the chairman of the Ways and Means Committee.

Mr. RANGEL. Well, I reserve. I would just like to be able to close on my side.

Mr. THOMAS. Is the gentleman indicating that the gentleman from New York is the last speaker under his time control?

Mr. RANGEL. Yes.

Mr. THOMAS. I thank the gentleman.

Does the gentleman from Massachusetts indicate that he is the last speaker under his time? I thank the gentleman.

The Chair now recognizes the gentleman from Texas, the chairman of the Energy and Commerce Committee, Mr. BARTON, for 2 minutes.

Mr. BARTON of Texas. Mr. Speaker, I thank the distinguished chairman of the Ways and Means Committee, and I thank my distinguished friends on the other side of the aisle for their strong leadership on these issues in this debate.

Mr. Speaker, I rise in strong support of H.R. 6111, the Tax Relief and Health Care Act of 2006. I want to especially thank full committee Chairman THOMAS, Subcommittee Chairman NANCY JOHNSON of the Ways and Means Subcommittee, and Subcommittee Chairman NATHAN DEAL of my Health Committee for their leadership on this legislation. It has been an honor to work with all of these folks over the years on the issues, and I am glad that we have some resolution that will help in the years to come.

The legislation before us would ensure continued beneficiary access to quality health issues. This legislation provides significant relief for payment cuts that would have gone into effect for physician services for 2007, and does promote appropriate quality care.

The Energy and Commerce Committee has held a number of hearings to examine how we pay physicians, what we need to think about when we talk about how to pay physicians tomorrow, and how we protect the taxpayer from being billed for unnecessary services. We have heard about flaws in the current physician payment system, and I think it needs to be structurally reformed. Unfortunately, the bill before us does not. We do not have the depth and scope to do that. But we at least hold our physicians harmless in terms of expected cuts that they would have taken otherwise. Hopefully, in the next Congress we can work a bipartisan basis to come up with a permanent solution to some of these physician payment issues.

It is important to fix the problems with physician payment once and for all. The legislation before us today does provide a stabilizing period for physicians. It fills the hole in payments for next year, provides a bonus for those physicians that would report data on quality measures. That is an

important first step, in my opinion. It also helps ensure beneficiary access to quality health care.

I rise today in support of this bill. I hope that the House will pass it and send it to the Senate and that the Senate will also pass it.

Again, I want to thank Chairman THOMAS for his leadership. It will be a different Congress in the next Congress without him here in person, but he will always be with us in spirit, and I really, really support the many things that he has done to improve America during his tenure as chairman of the Ways and Means Committee.

Mr. BARTON of Texas. Mr. Speaker, I rise today in strong support of H.R. 6111, the Tax Relief and Health Care Act of 2006. I want to thank Chairmen THOMAS, JOHNSON, and DEAL for their leadership on this legislation. I want to specifically thank Chairmen THOMAS and JOHNSON for their leadership over the years on health care issues, particularly the issue of physician payment. It has been an honor to work with you on these issues.

This legislation will help ensure continued beneficiary access to quality health care. This legislation provides significant relief for payment cuts for physician services for 2007 and promotes appropriate, quality care. This year the Energy and Commerce Committee held a number of hearings to closely examine how we pay physicians, what we need to think about when we talk about how to pay physicians tomorrow, and how we protect the taxpayer from being billed for unnecessary services. We heard about the flaws in the current physician payment system that may contribute to overuse of physician services. We heard about the promise of a system that more fairly pays physicians for the necessary services they provide—those that reflect the best quality and efficient care that a physician can provide for any particular patient.

It is important to fix the problems with physician payment once and for all. I believe the legislation today provides an important stabilizing period for physicians. It fills the hole in payments for next year and provides a bonus for those physicians that report data on quality measures. It helps ensure beneficiary access to quality health care. It helps physicians work with us to develop a better payment system, one that provides the right incentives for care rather than the wrong incentives for overuse, and one that recognizes that there are savings accrued when chronic care is managed effectively.

I rise today in support of this bill. In addition to providing help in stabilizing physician payment, this bill extends many important payment provisions that affect access to health care, particularly in rural areas, such as therapy and dialysis services. I urge my colleagues to vote for this bill.

Mr. RANGEL. Mr. Speaker, as we close this debate, I agree it will be a different Congress, and I will sincerely miss the spirited debate from the distinguished gentleman from California who has served the committee and served the Congress and served this country so well. And I am just bothered that he is disturbed about the lateness of the amendment which comes to the floor, but, of course, you cannot amend anything until you get it, and this just came to the floor this morning.

Many of the issues and extenders in this bill are long overdue, and I certainly encourage people to support the bill. But the bill would be strengthened if indeed it excluded the provision that has been debated and will come up in the amendment as relates to the gulf opportunity zone property.

In addition to that, most of us would agree that if there is one provision in the Tax Code, a burden that Republicans, conservatives, Democrats, Republicans, can agree to that should be removed is the alternative minimum tax. Nobody ever intended for these 23 million people to be shoved into a tax bracket that they didn't deserve. And since it is not included in the extenders, for reasons which I don't know, it would seem to me that people would have an opportunity, in this amendment offered by the distinguished gentleman from Massachusetts, to do that and, at the same time, strip from the provision the offending provisions as relates to the Gulf States.

And lastly, those of you that were kind enough to support the city and State of New York during the trying 9/11 experience would know that at one time we had passed a provision that would allow us, under the New York liberty bond provisions, to provide a tax credit for the transportation infrastructure. I want to thank the chairman for trying so hard to see that that provision would be included in this bill. But, because of reasons and problems that we have had on the other side, that provision is omitted. However, it will be included in the amendment, and I am convinced that the base bill, coupled with the amendment, would be a better piece of legislation.

I know we have other issues on the floor, and this is not the time to say farewell to the chairman, but as it relates to at least this part of our debate, Mr. Speaker, I will yield back the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself the balance of my time.

The amendment which we are about to consider does not prohibit drilling in any of this new land. The amendment we are about to debate does not prohibit drilling in any of the new land which is authorized to be drilled in. What the amendment says is this: is that the oil and gas companies that received leases over the last 10 years where they pay no royalties whatsoever, and that has been determined, as a result, deprived the American taxpayer of between 20 and $60 billion worth of royalties, which they are entitled to as taxpayers, will be renegotiated by the oil companies that want to drill in this new land in the Gulf of Mexico. That is all it does. So anyone who is listening to this, this amendment will not prohibit drilling here. All it says is that where these massive, tens of billions of dollars of windfall profits are falling into the pockets of oil and gas companies under these oil leases, that these oil and gas companies do not have the privilege of coming into these new leases. However, any other oil company, any other gas company, they can go right into this Gulf of Mexico area and drill.

So for Mr. PETERSON, or anyone else, it has nothing to do with it. The question for you, Mr. PETERSON, the question for the other Members is: Do you want to recollect these other royalties? Or if the price of oil goes to 30, 40, 50, 60, 70, $80 a barrel, do you want the oil and gas industry to pay any royalties at all? Because right now, they don't. So if you want all the revenues to go to them, nothing to go to the taxpayer, then, fine. Vote against the Markey amendment. But if you want to open up the lands in the gulf, let the oil industry come in, but to make sure that they pay on their old leases a fair share of the dues to live in this country, because it is a massive part of the revenues that we use to fund our defense, then you vote ''yes'' on the Markey amendment.

Mr. THOMAS. Mr. Speaker, I want to refocus our Members. We are not on the Markey amendment. The Markey amendment will be presented following the conclusion of the discussion on the underlying bill.

Mr. Speaker, the Nonpartisan Joint Committee on Taxation has made available to the public a technical explanation of the bill. This technical explanation expresses the committee's understanding and legislative intent behind this important legislation.

Mr. THOMAS. Mr. Speaker, the nonpartisan Joint Committee on Taxation has made available to the public a technical explanation of the bill. This technical explanation expresses the Committee's understanding and legislative intent behind this important legislation.

Mr. Speaker, in keeping with the spirit of H. Res. 1000, which the House passed this year to reform the legislative process, I note that the Joint Committee on Taxation has identified 2 provisions of H.R. 6408, introduced yesterday, as ''earmarks'' under the terms of that resolution. These provisions also appear in the amendment to H.R. 6111 which the House will consider today. A copy of the Joint Committee on Taxation's opinion letter is available for Members to review if they wish.

The identified provisions are Title I's Section 414. Modification of special arbitrage rule for certain funds made permanent, and Section 211 of Division C, Certain related persons and successors in interest relieved of liability if premiums prepaid. Section 414 was requested by Congressman KEVIN BRADY (R–TX). Section 211 is part of a comprehensive mining reform proposal requested by Senators RICK SANTORUM (R–PA) and MAX BAUCUS (D–MT).

H.R. 6408's Division B—Medicare and Other Health Provisions, contains an earmark. Section 111, Clarification of hospice satellite designation, was requested by Senator REID (D–NV). The amendment also contains this provision.

In addition, Division C, Title I, Gulf of Mexico Energy Security requested by Congressman BOBBY JINDAL (R–LA) and Title III, White Pine County Conservation, Recreation and Development requested by Senator HARRY

REID (D–NV) have been identified as containing probable earmarks.

DECEMBER 8, 2006.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on Ways and Means, 1102 Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN THOMAS: House Resolution 1000 provides that the staff of the Joint Committee on Taxation identify any tax earmark in a bill carrying a tax measure reported by the Ways and Means Committee or in a conference report to accompany a bill carrying a tax measure. You requested that we review the language of H.R. 6408, the ''Tax Relief and Health Care Act of 2006'' as introduced in the House of Representatives on December 7, 2006, and the House Amendment to the Senate amendment to H.R. 6111 (''An Act to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending'') scheduled for consideration by the House on December 8, 2006, to identify any provisions which would satisfy the tax earmark standard of House Resolution 1000, if applicable.

In response to your request, the staff of the Joint Committee on Taxation has identified two provisions in each piece of legislation that would qualify as tax earmarks under House Resolution 1000, were they included in a bill reported by the Ways and Means Committee or contained in a conference report. The two provisions, which are the same in both bills, are: (1) the provision to make permanent the modification of special arbitrage rules for the Texas Permanent University Fund (sec. 414 of Division A of each bill); and (2) the provision of the Surface Mining Control and Reclamation Act Amendments of 2006 allowing release of joint and several liability in the case of prepayment of liabilities to the Combined Benefit Fund, section 9711 individual employer plan, or 1992 UMWA benefit plan and modifying of the definition of successor in interest (sec. 211 of Division C of each bill).

Sincerely,

THOMAS A. BARTHOLD,
Acting Chief of Staff.

DECEMBER 8, 2006.

Hon. BILL THOMAS,
Chairman, Committee on Ways and Means, House of Representatives, 1102 Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN THOMAS: In compliance with H. Res. 1000 as passed the House of Representatives on September 14, 2006, the Committee finds that the amendment to H.R. 6111 contains no earmarks within the jurisdiction of the Committee on Energy and Commerce.

Sincerely,

JOE BARTON,
Chairman.

DECEMBER 8, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, H 232 Capitol, Washington, DC.

DEAR MR. SPEAKER: I have just reviewed the proposed amendment to H.R. 6111, to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending. Division C unexpectedly contains several provisions within the jurisdiction of the Committee on Resources. I have been asked to review these extensive provisions (126 pages) under severe time limits to determine whether they contain any earmarks as defined under House Resolution 1000.

Without the opportunity to question the authors of these provisions, it is difficult to determine their effect on the public lands and resources of the United States. Especially troubling is the reference to maps in the context of land sales, exchanges and special use designations. Neither myself or any of my staff have seen these maps or reviewed the conditions of these transactions. Most importantly, none of these provisions have been reviewed by the Congressional Budget Office to determine the budgetary effect of their implementation. With these caveats, here is my assessment whether these provisions constitute earmarks under the House Resolution 1000.

DIVISION C—OTHER PROVISIONS

Title III—White Pine County Conservation, Recreation and Development. Many provisions of this Title appear to provide authority for a grant, contract or other expenditure with or to a non-federal entity, most specifically, White Pine County, Nevada; Washoe County, Nevada; the State of Nevada; the Ely Shoshone Tribe; the Eastern Nevada Landscape Coalition; the Great Basin Institute (whatever these are).

Because of the hundreds of thousands of acres of public lands involved in the land sales, wilderness designation and other transactions authorized by this title, and the lack of maps or other information, I cannot determine with specificity the fiscal impact of Title III. As a consequence, we have no way of determining whether this constitutes sound land management policy which we would support. In addition, because I was not involved in the writing of this provision, I do not know who the requestor was but this language has not been reported by the Committee on Energy and Natural Resources, the Committee on Resources or considered by the Senate or House.

I am extremely disappointed that the committee of jurisdiction was not consulted regarding the inclusion of these provisions. Their ill-advised inclusion undermines valuable natural resources, cheats taxpayers out of their investment in our public lands and benefits special interest groups on a completely unprecedented scale.

Sincerely,

RICHARD W. POMBO,
Chairman.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the bill under consideration.

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

There was no objection.

Mr. THOMAS. Mr. Speaker, I want to thank my friend from New York for the kind comments that he made. I would like to reference his statement about the other side. For those of you who may not have understood what he meant, the other side is not the other side of Jordan. It is the other side of the Capitol. Oftentimes in dealing with the other side of the Capitol, it feels like you have crossed over the other side of Jordan in trying to make sure various things happen.

There are a number of items, and I guess at some point, your entire presentation oftentimes in dealing with Congress was woulda, coulda, shoulda. And that is fine to debate woulda, coulda, shoulda, which is basically process.

We have reached a point where, through great difficulty, the House and Senate have agreed on a number of important measures to extend benefits and to at least keep open the opportunity to do additional items.

□ 1445

We happened to reach agreement at the very end of the session. The point I want to underscore is, we have reached agreement. The question will be on whether we decide to support that agreement or not support the agreement. I do appreciate all the time consumed in complaining about how we got there.

I have counseled my friends on this side that when they become the minority, I will provide them with all the yellow pages and the copies of the other side while they have been in the minority about the ''woulda coulda shoulda.'' Right now, it is about substance, it is about doing something, and we will have the vote on this measure following the debate on the Markey amendment.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FORBES). All time for debate has expired.

Pursuant to House Resolution 1099, the previous question is ordered.

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MARKEY:

Amend the House amendment by striking section 123 of title I of division A and inserting the following:

SEC. 123. SPECIAL RULE FOR ELECTIONS UNDER EXPIRED PROVISIONS.

(a) RESEARCH CREDIT ELECTIONS.—In the case of any taxable year ending after December 31, 2005, and before the date of the enactment of this Act, any election under section 41(c)(4) or section 280C(c)(3)(C) of the Internal Revenue Code of 1986 shall be treated as having been timely made for such taxable year if such election is made not later than the later of April 15, 2007, or such time as the Secretary of the Treasury, or his designee, may specify. Such election shall be made in the manner prescribed by such Secretary or designee.

(b) OTHER ELECTIONS.—Except as otherwise provided by such Secretary or designee, a rule similar to the rule of subsection (a) shall apply with respect to elections under any other expired provision of the Internal Revenue Code of 1986 the applicability of which is extended by reason of the amendments made by this title.

SEC. 124. EXTEND ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT FOR 2007.

(a) IN GENERAL.—Subparagraphs (A) and (B) of section 55(d)(1) (relating to exemption amount for taxpayers other than corporations) are each amended by inserting ''or 2007'' after ''2006''.

(b) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2008, but once in effect shall apply to taxable years beginning after December 31, 2006.

SEC. 125. RESTRUCTURING OF NEW YORK LIBERTY ZONE TAX CREDITS.

(a) IN GENERAL.—Part I of subchapter Y of chapter 1 is amended by redesignating section 1400L as 1400K and by adding at the end the following new section:

"SEC. 1400L. NEW YORK LIBERTY ZONE TAX CREDITS.

''(a) IN GENERAL.—In the case of a New York Liberty Zone governmental unit, there shall be allowed as a credit against any taxes imposed for any payroll period by section 3402 for which such governmental unit is liable under section 3403 an amount equal to so much of the portion of the qualifying project expenditure amount allocated under subsection (b)(3) to such governmental unit for the calendar year as is allocated by such governmental unit to such period under subsection (b)(4).

''(b) QUALIFYING PROJECT EXPENDITURE AMOUNT.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualifying project expenditure amount' means, with respect to any calendar year, the sum of—

''(A) the total expenditures paid or incurred during such calendar year by all New York Liberty Zone governmental units and the Port Authority of New York and New Jersey for any portion of qualifying projects located wholly within the City of New York, New York, and

''(B) any such expenditures—

''(i) paid or incurred in any preceding calendar year which begins after the date of enactment of this section, and

''(ii) not previously allocated under paragraph (3).

''(2) QUALIFYING PROJECT.—The term 'qualifying project' means any transportation infrastructure project, including highways, mass transit systems, railroads, airports, ports, and waterways, in or connecting with the New York Liberty Zone (as defined in section 1400K(h)), which is designated as a qualifying project under this section jointly by the Governor of the State of New York and the Mayor of the City of New York, New York.

''(3) GENERAL ALLOCATION.—

''(A) IN GENERAL.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly allocate to each New York Liberty Zone governmental unit the portion of the qualifying project expenditure amount which may be taken into account by such governmental unit under subsection (a) for any calendar year in the credit period.

''(B) AGGREGATE LIMIT.—The aggregate amount which may be allocated under subparagraph (A) for all calendar years in the credit period shall not exceed $1,750,000,000.

''(C) ANNUAL LIMIT.—

''(i) IN GENERAL.—The aggregate amount which may be allocated under subparagraph (A) for any calendar year in the credit period shall not exceed the sum of—

''(I) the applicable limit, plus

''(II) the aggregate amount authorized to be allocated under this paragraph for all preceding calendar years in the credit period which was not so allocated.

''(ii) APPLICABLE LIMIT.—For purposes of clause (i), the applicable limit for any calendar year is—

''(I) in the case of calendar years 2007 through 2016, $100,000,000,

''(II) in the case of calendar year 2017 or 2018, $200,000,000,

''(III) in the case of calendar year 2019, $150,000,000,

''(IV) in the case of calendar year 2020 or 2021, $100,000,000, and

''(V) in the case of any calendar year after 2021, zero.

''(D) UNALLOCATED AMOUNTS AT END OF CREDIT PERIOD.—If, as of the close of the credit period, the amount under subparagraph (B) exceeds the aggregate amount allocated under subparagraph (A) for all calendar years in the credit period, the Governor of the State of New York and the Mayor of the City of New York, New York, may jointly allocate to New York Liberty Zone governmental units for any calendar year in the 5-year period following the credit period an amount equal to—

''(i) the lesser of—

''(I) such excess, or

''(II) the qualifying project expenditure amount for such calendar year, reduced by

''(ii) the aggregate amount allocated under this subparagraph for all preceding calendar years.

''(4) ALLOCATION TO PAYROLL PERIODS.—Each New York Liberty Zone governmental unit which has been allocated a portion of the qualifying project expenditure amount under paragraph (3) for a calendar year may allocate such portion to payroll periods beginning in such calendar year as such governmental unit determines appropriate.

''(c) CARRYOVER OF UNUSED ALLOCATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), if the amount allocated under subsection (b)(3) to a New York Liberty Zone governmental unit for any calendar year exceeds the aggregate taxes imposed by section 3402 for which such governmental unit is liable under section 3403 for periods beginning in such year, such excess shall be carried to the succeeding calendar year and added to the allocation of such governmental unit for such succeeding calendar year. No amount may be carried under the preceding sentence to a calendar year after 2026.

''(2) REALLOCATION.—If a New York Liberty Zone governmental unit does not use an amount allocated to it under subsection (b)(3) within the time prescribed by the Governor of the State of New York and the Mayor of the City of New York, New York, then such amount shall after such time be treated for purposes of subsection (b)(3) in the same manner as if it had never been allocated.

''(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) CREDIT PERIOD.—The term 'credit period' means the 15-year period beginning on January 1, 2007.

''(2) NEW YORK LIBERTY ZONE GOVERNMENTAL UNIT.—The term 'New York Liberty Zone governmental unit' means—

''(A) the State of New York,

''(B) the City of New York, New York, and

''(C) any agency or instrumentality of such State or City.

''(3) TREATMENT OF FUNDS.—Any expenditure for a qualifying project taken into account for purposes of the credit under this section shall be considered State and local funds for the purpose of any Federal program.

''(4) TREATMENT OF CREDIT AMOUNTS FOR PURPOSES OF WITHHOLDING TAXES.—For purposes of this title, a New York Liberty Zone governmental unit shall be treated as having paid to the Secretary, on the day on which wages are paid to employees, an amount equal to the amount of the credit allowed to such entity under subsection (a) with respect to such wages, but only if such governmental unit deducts and withholds wages for such payroll period under section 3401 (relating to wage withholding).

''(e) REPORTING.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly submit to the Secretary an annual report—

''(1) which certifies—

''(A) the qualifying project expenditure amount for the calendar year, and

''(B) the amount allocated to each New York Liberty Zone governmental unit under subsection (b)(3) for the calendar year, and

''(2) includes such other information as the Secretary may require to carry out this section.

''(f) GUIDANCE.—The Secretary may prescribe such guidance as may be necessary or appropriate to ensure compliance with the purposes of this section.

''(g) TERMINATION.—No credit shall be allowed under subsection (a) for any calender year after 2026.''.

(b) TERMINATION OF CERTAIN NEW YORK LIBERTY ZONE BENEFITS.—

(1) SPECIAL ALLOWANCE AND EXPENSING.—Section 1400K(b)(2)(A)(v), as redesignated by subsection (a), is amended by striking ''the termination date'' and inserting ''the date of the enactment of the Extension of Tax Relief Act of 2006 or the termination date if pursuant to a binding contract in effect on such enactment date''.

(2) LEASEHOLD.—Section 1400K(c)(2)(B), as so redesignated, is amended by striking ''before January 1, 2007'' and inserting ''on or before the date of the enactment of the Extension of Tax Relief Act of 2006 or before January 1, 2007, if pursuant to a binding contract in effect on such enactment date''.

(c) CONFORMING AMENDMENTS.—

(1) Section 38(c)(3)(B) is amended by striking ''section 1400L(a)'' and inserting ''section 1400K(a)''.

(2) Section 168(k)(2)(D)(ii) is amended by striking ''section 1400L(c)(2)'' and inserting ''1400K(c)(2)''.

(3) The table of sections for part I of subchapter Y of chapter 1 is amended by striking ''1400L'' and inserting ''1400K''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to periods beginning after September 30, 2008.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall take effect as if included in section 301 of the Job Creation and Worker Assistance Act of 2002.

SEC. 126. LIMITATION ON AWARD OF LEASES TO HOLDERS OF CERTAIN EXISTING DEEP WATER LEASES.

No lease may be issued under title I of division C of this Act to any lessee under an existing lease issued by the Department of the Interior pursuant to the Outer Continental Shelf Deep Water Royalty Relief Act (43 U.S.C. 1337 note), where such existing lease is not subject to limitations on royalty relief based on market price.

Mr. MARKEY (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

Mr. THOMAS. Mr. Speaker, reserving the right to object, I believe perhaps we ought to proceed in the reading of the amendment.

The SPEAKER pro tempore. The Clerk will read.

The Clerk continued to read the amendment.

Mr. THOMAS (during the reading). Mr. Speaker, I believe the point has been made that the amendment goes on for another 9 pages like that and doesn't reach the OCS point.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to dispensing with the reading?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 1099, the gentleman from Massachusetts (Mr. MARKEY) is recognized for 5 minutes.

Mr. MARKEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, again, the Markey amendment does nothing about drilling in the new areas that are opened up in this bill. What the amendment says is that on all of those leases in the 1990s that had no royalty payments required at all, that finally if these oil and gas companies want to move into this new oil and gas gold rush in the Gulf of Mexico, they have to renegotiate those old contracts, those windfall profits, that 20 to $60 billion that could be used for the defense of our country, to reduce the deficit or for any other purposes.

This is a very simple amendment, and what it does is it mirrors what we voted on in May of this year when 252 Members of the House voted to force these oil and gas companies to finally play their role in contributing to the balancing of the budget. Otherwise, the oil companies are going to continue to just tip the American taxpayer upside down.

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

The SPEAKER pro tempore. The gentleman cannot reserve his time.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I just want to share with the chairman that I recognize his concern that he got the amendment too late. I am surprised that he is opposing it, because I know that the content of the amendment, even though the procedure may not have been exactly as he would like, were things that he had previously supported. So it would seem to me that those of us who support the base bill, the amendment is only offered to improve upon that, even though it just excludes only one provision which is in this, which the gentleman from Massachusetts has spoken eloquently on, and I think even there the chairman would agree that it might be a better bill if that was excluded.

I do hope, as I am voting for the bill, that we might have a chance for those who are here and those who are listening to recognize that 23 million taxpayers are being held hostage by the alternative minimum tax. We have had ample opportunity to correct that, but coming from a Congress that most of us are against the tax increases, it just seems to me would be inconsistent with the past rhetoric, having the opportunity to remove this tax increase, which is certainly what it would be if we don't extend the relief from the alternative minimum tax for all of these people who never were intended to pay this tax.

So I think it would be a good time to show the bipartisanship in being for this substantial tax cut, or at least to prevent a tax increase, if we supported this amendment, at the same time to support the spirit of the reason in which this great Congress came to the assistance—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MARKEY. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. Two minutes remaining.

Mr. MARKEY. I apologize to the gentleman. I only have 1 minute to give to the gentleman from New York (Mr. HINCHEY) at this time.

I am now advised that the gentleman from New York (Mr. HINCHEY) wants to yield his minute to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. I have completed. I yield back to the gentleman from Massachusetts.

I am just saying that we in New York thank you for the generosity that you have, and we just hope that it is not taken back by refusing to support this amendment, where we can receive the tax credit for our transportation.

Mr. MARKEY. Mr. Speaker, I yield myself the remainder of the time and that is again to make the point that this amendment is central to the reclaiming of the $60 billion which the oil and gas industry has escaped in paying for drilling on the public lands of the United States. This is like Teapot Dome in the 1920s. They don't pay royalties. They have escaped payment for the use of the oil and gas for the American people.

This isn't their oil and gas; it is ours. This amendment just says that if they want to drill in the Gulf of Mexico in this new land, they have got to renegotiate these old contracts where they don't pay any royalties at all. At $40, $50, $60, $70, $80 a barrel the American taxpayer is paying at the pump, they don't get any tax relief when they use American oil and gas from the American public lands.

Vote ''aye'' for the Markey-Hinchey amendment. It is the key to ensuring that this bill has a fiscally sound core at its heart.

Mr. THOMAS. Mr. Speaker, I rise in opposition to the amendment.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. THOMAS. I do think it is important to note there are a number of items in the bill, not just the Outer Continental Shelf. As was indicated by the gentleman from Massachusetts and indicated by the gentleman from New York, there is an alternative minimum tax provision in this amendment. One of the things that the Democratic leadership has said, since prior to the election is, that if they were elected, if they were chosen, if they were going to be dealing with items that cost money, they were going to submit themselves to the so-called PAYGO rules. PAYGO rules are exactly what it sounds like: you pay as you go.

I find it ironic that there is this great pressure to move this amendment now before they do come into the majority, because the alternative minimum tax provisions of this amendment have no PAYGO requirement.

What, in fact, they have is spend without covering the costs, and so I understand the urgency to get this done right now so that they don't have to follow the commitment that they have made.

Boy, is that typical. In terms of the railroad bonds, I will repeat, in a personal conversation with the Democratic leader of the Senate, he asked me to make sure, not withstanding previous support and structure that we were dealing with, in this extremely fragile measure, being carried in an unusual way to make sure that we can send it to the President, notwithstanding whether you believe the railroad bond provision has merit or doesn't have merit, it cannot be added at this time or you will lose the measure. I personally will put my trust in the judgment of the Democratic leader of the Senate.

Finally, on OCS. As I said to the gentleman from Massachusetts, in another time, in another place, in another circumstance for largely the same reason that I mentioned, we have to correct this. I appreciate it has been going on for 10 years. We do understand it was signed into law by President Clinton. I guess my question to you is, if it has been going on for 10 years, and you take over this place in less than a month, and you have 100-day priority structure, 100-hour structure, excuse me, were you not able to find room on the 100-hour structure to do this? It sounds to me, based upon the strength and the merit of your arguments, this would be number 1, 2 or 3 on the 100 hours.

Because in that same conversation that I had with the Democratic leader in the Senate, he said, BILL, please, we cannot have this added to the measure. It will split the Senate. We are very fragile, trying to hold ourselves together, notwithstanding the merits of this. Please, don't put it on this measure.

Time, place, manner, it is 10 years overdue. Can we make it 10 years and 20 days overdue so that you don't destroy all of the stuff that is in this bill so that we can get this done and then we turn the floor over to you in the first 100 hours? I am sure this would be number 1, 2 or 3 based upon the outrage that I think you justifiably present on this particular issue.

For all those reasons, unwillingness to follow their own rules they say they are going to follow on PAYGO for an alternative minimum tax, the fact that we looked at the railroad bonds, there was a bipartisan bicameral agreement, it was too sensitive at this time, and the fact that OCS will blow up everything else in this bill, I will ask my colleagues to vote ''no'' on this amendment so we can vote ''yes'' on everything else.

Mr. PITTS. Mr. Speaker, I rise today in support of H.R. 6111, which extends many essential Medicare programs that sustain our seniors every day and keeps them healthy. I applaud provisions in this bill that maintain and preserve access to crucial health care services, like physical therapy, primary care, and

dialysis treatments. Our seniors should never have to worry about their access to care. Congress has a responsibility to ensure that our Medicare program is strong and stable enough to provide services without impediments or limitations on access.

Unfortunately, I believe Congress on this occasion missed an opportunity to ensure unfettered access in an increasingly crucial area of medical practice today: diagnostic imaging. Imaging procedures, like CT scans, MRIs, ultrasound, PET and Xrays save countless lives each day; they identify diseases early on, improving outcomes and lowering costs associated with undiagnosed illness. Seniors rely on brain scans, cardiac diagnostics and other diagnostic and therapeutic technologies every day for disease detection and treatment.

Access to those services, however, is threatened by provisions in the Deficit Reduction Act of 2005, DRA, that make drastic cuts to payments for these services that are crucial to identifying life-threatening conditions and guiding diagnostic and therapeutic interventions. The DRA includes payment reductions, inserted at the last minute of Congressional negotiations and without any debate in either body, of between 30 and 50 percent for many of these services performed in doctors' offices and freestanding clinics, seriously endangering the viability of those practices, and thus threatening seniors' access to convenient imaging services outside of the hospital setting.

This year, I introduced legislation, H.R. 5704, the Access to Medicare Imaging Act of 2006, which would have delayed these cuts for two years while the Government Accountability Office studies the cuts' impact on seniors' access to care. I did so because I was especially concerned that seniors in America's rural areas would face increasingly longer driving distances for testing when some physician clinics stop offering these services, and would inevitably be forced to receive these services in hospitals where longer wait times and higher co-payments might cause many seniors to forego services altogether. In short, I introduced H.R. 5704 because I was concerned about patients—about patients losing their access to life-saving diagnostic services. Evidently, I was not alone. To date, 142 of my colleagues—from both sides of the aisle—in the House have signed on as cosponsors of this critically important legislation.

Unfortunately, the cuts my bill would have temporarily averted go into effect on January 1, 2007, and I fear that our action here today to protect access to a number of important Medicare services but not to preserve access to diagnostic imaging services is an omission with significant consequences. Without relief from the cuts, many physician practices that provide high quality diagnostic imaging services will shrink in size or shut their doors altogether. Hospitals will overload with patients, and access will suffer. Today's legislation offered a unique opportunity to prevent these consequences by including language to delay the looming cuts until further study of their appropriateness is completed.

While I regret this missed opportunity, I am hopeful that in the 110th Congress a bipartisan group of my colleagues will, once again, work together to provide open, unfettered access to medically appropriate services that improve the quality and length of life for America's seniors.

Mr. WEXLER. Mr. Speaker, I strongly oppose this unconscionable attempt by the Republican leadership to force passage of a damaging offshore oil drilling measure by attaching it to an omnibus bill, H.R. 6111. The language contained within this bill, which would open the eastern Gulf of Mexico to oil and gas exploration, threatens Florida's delicate ecosystem, places coastal tourism and fishing industries at economic risk, and does little to address our dependence on fossil fuels.

If Congress was serious about offering real energy solutions, then we would be examining the true environmental and economic impacts of offshore drilling and exploring the use of clean, renewable energy technologies, increased fuel efficiency, and conservation. Policymakers should not be strong-armed into supporting legislation that could cause irreparable harm to our ecosystem and economy.

Mr. Speaker, the American people deserve an open and honest debate on our Nation's energy policy. I urge my colleagues to reject this bill and support passage of a comprehensive energy plan that promotes independence and protects our Nation's resources as well as the health of our communities.

Mr. DINGELL. Mr. Speaker, I rise today in support of S. 3711, the Gulf of Mexico Energy Security Act of 2006. I believe this legislation offers a balanced approach to increasing our energy independence, while still ensuring the safety of our environment.

I had opposed H.R. 4761, the Deep Ocean Energy Resources Act of 2006, when it was brought before the House because I believed it was the wrong way to approach Outer Continental Shelf drilling. It is my strong belief that if we are going to open Federal waters to leasing and drilling activities, than these revenues should be dedicated to go to the Federal Treasury for the betterment of our Nation. Ideally, I believe that revenues from leasing activities should be dedicated to conservation funding, as legislation like the Conservation and Reinvestment Act, which I introduced with Representative DON YOUNG a few years back would have. Unfortunately, the full scope of our legislation was never signed into law.

However, S. 3711 offers just that. Fifty percent of revenues from leasing activities will be designated to the Federal Treasury, and revenues that will be designated to the gulf producing States are authorized solely for conservation efforts. This legislation clearly states that each gulf producing State dedicate their revenues "only for 1 or more of the following purposes: projects and activities for the purposes of coastal protection; mitigation of damage to fish, wildlife, or natural resource; implementation of a federally-approved marine, coastal, or comprehensive conservation management plane; mitigation of the impact of outer Continental Shelf activities through the funding of onshore infrastructure projects." In addition, 12.5 percent of these revenues will be dedicated to the Land and Water Conservation Fund.

It is clear from the high cost of oil and natural gas today that we need to explore ways to increase our supply of hydrocarbons. Since the Low-Income Home Energy Assistance Program, LIHEAP, began in 1981, the portion of winter heating bills that LIHEAP covers has declined to 8 percent. Benefit levels based on the 1981 value have decreased from $209 in 1983 to $132 in 2004, causing many seniors on fixed incomes and low income families to bear the burden of excessive heating bills. If S. 3711 is enacted, the Minerals Management Service estimated that the area proposed for drilling contains at least 1.26 billion barrels of oil and 5.8 trillion cubic feet of natural gas enough natural gas to heat and cool every home in Michigan for the next for 16 years. Furthermore, the Congressional Budget Office, CBO, estimates that if S. 3711 is enacted, direct spending of Outer Continental Shelf recipients would be reduced by $900 million over the 2008–2016 period.

Mr. Speaker, I support S. 3711 today because it proposes a more limited approach to Outer Continental Shelf drilling plan than the House version, H.R. 4761. I am pleased that this legislation directs revenues towards conservation, ensuring that by increasing our domestic natural gas supply we are not compromising the environmental safety of our coastal lands in the Gulf of Mexico.

We can all agree that we should be looking for alternative fuels and renewable energy sources, but our immediate concern should be reducing the cost of natural gas and oil supplies for those most vulnerable in our society. I anticipate that the House Energy and Commerce Committee will look into alternative fuels and renewable energy sources during the 110th Congress.

Mr. LANGEVIN. Mr. Speaker, I rise today to voice my support for the many beneficial elements of the Tax Relief and Health Care Act. This bill includes several greatly needed extensions of tax provisions that will continue to help middle class families and small businesses to prosper throughout our Nation.

The measure before us today has many provisions I support, including extensions of the Research and Development Tax Credit and the Work Opportunity Tax Credit, the deduction of higher education expenses, and others. I am a cosponsor of legislation to make the Research and Development Tax Credit permanent, as it keeps American companies competitive and provides a strong incentive for businesses to invest in the future and create jobs. I am also pleased that this bill includes provisions to help make college more affordable to millions of students and allow teachers to deduct out-of-pocket expenses.

This bill will also ensure that a pending 5.1 percent cut in Medicare payments to physicians does not take effect. While I believe we could—and should—have addressed this issue much earlier, I am pleased that these cuts will not take effect. I expect that next year, Congress will take meaningful action to reform and stabilize the Medicare provider payment system and I pledge to support efforts to that end.

Unfortunately, this legislation also contains language authorizing an expansion of drilling in certain areas in the Gulf of Mexico. While I support efforts to improve our overall domestic energy production, we have not taken the necessary steps to encourage conservation efforts and energy efficiency programs, preferring instead to rely on oil and gas exploration. As I have stated in the past, we cannot dig or drill our way to energy independence. We need a comprehensive and forward-thinking energy policy that provides affordable energy, encourages the development of clean and renewable sources, and enhances our Nation's economy.

While I strongly believe that many of the tax provisions included in this legislation will significantly strengthen the middle class in our

country, I am dismayed by the process through which we are considering this bill. The Republican majority has again waited until the last minute to bring this legislation to the floor, thereby considerably hindering our legislative process. In the 110th Congress, I will work with my colleagues to ensure measures are brought to the floor according to a process that allows ample time to review and debate legislation in an open and honest way.

Ms. SEKULA GIBBS. Mr. Speaker, I rise in support of this bill, H.R. 6111—Tax Relief and Health Care Act of 2006.

This bill will open 8.3 million acres in the Gulf of Mexico to new oil and natural gas production. This bill is more narrow in scope than the bill that passed the House in June and I believe that more still needs to be done to increase access to our Nation's oil and natural gas resources. But this bill is a good step and I am happy to support its passage.

Folks in my district near Houston, Texas understand the oil and gas business since Houston has long been headquarters to several of the world's largest oil and gas producing companies. Unfortunately, today the U.S. imports nearly 60 percent of our oil from foreign countries including more than 1 million barrels of crude oil per day from Venezuela which is run by a socialist who has made no secret of his dislike of capitalism and his disrespect for our President.

America holds vast resources of oil which can be accessed in an environmentally friendly manner with today's modern drilling technology. Reliance on foreign energy sources, if allowed to continue, will not only undermine our economy and our standard of living but will weaken our national security as we become more and more dependent on foreign sources to fulfill our energy needs.

Working Americans do not want to find themselves over a barrel, especially trapped over a barrel of foreign oil. Working Americans want energy independence. I do not believe the goals of environmental protection and energy independence are mutually exclusive but are actually mutually dependent. I believe that it is critical, now more than ever, that all domestic sources of energy should be explored including the Outer Continental Shelf, the Gulf of Mexico, Alaska, and the Atlantic.

I am also pleased that this bill dedicates 37.5 percent of the newly generated revenues to coastal States, including Texas, for beach restoration and 12.5 percent to the Land and Water Conservation Fund State assistance program. This program funds the creation and upkeep of local and State parks, open spaces, and resource conservation in all 50 States. Not only will this bill help obtain energy independence, but it should result in recreation and conservation benefits for the American people. Over 40,000 local and state park and recreation projects have been aided by the LWEF in the 40-year history of the program since its inception in 1965.

Mr. Speaker, I am proud to support passage of H.R. 6111—Tax Relief and Health Care Act of 2006 and urge my colleagues to join me in voting in favor of it.

Ms. WOOLSEY. Mr. Speaker, I always tell people that I am from the most beautiful district in the country, Marin and Sonoma counties, California. We certainly have some of the most beautiful, pristine, and untouched coastline I have ever seen. That's why when I think of supporting an omnibus package today that includes offshore drilling within an 8.3 million-acre plot of the Gulf Coast, I can't help but think of what we'd be throwing away just for a 30-day supply of oil and gas.

In fact, the only way the current leadership can attempt to get this 25-year moratorium on offshore drilling lifted is by tying it together with other desperately needed provisions in order to try and sweeten the deal. Research and development tax credits, college tuition deductions, royalty set-asides for the urgently needed wetlands and levee restoration projects in Louisiana, and a package to prevent physician payment cuts next year. These are all perfectly good, bipartisan bills that should have passed on a number of occasions this year. In fact, while I'm happy to see that physicians are being spared a 5 percent cut in payments—I'm nonetheless appalled to see that yet again, we still have yet to improve their reimbursement formula.

But rather than working to ensure these and other important provisions are approved before we adjourn, and rather than creating a real energy policy by providing incentives for conservation and investing in renewable energy technology, we're having it all jammed down our throats at the end of a lame-duck session. What's more, deep within the tax-relief provisions before us today is an increase in the income eligibility level for recipients of federally funded Washington, DC private school vouchers. We ought to focus public funds on public schools, not private school voucher programs. These short-sighted approaches are getting us nowhere.

This pattern of putting politics over good policy has been typical of this Republican leadership and many of America's most vulnerable have suffered for it. Unfortunately Mr. Speaker, I rise in opposition to this bill today because, while I know of the many good things it includes, I cannot support opening up any ocean to the often-irreversible damages associated with offshore drilling.

Mr. McDERMOTT. Mr. Speaker, getting American trade policy right is important for many reasons. We must aim to provide opportunity for American businesses and the workers they rely upon, while also providing opportunity to people in less developed nations.

We have before us a consensus measure that is long overdue. Consensus building is hard work and too often those in power seek that which is easy, not that which is best and necessary.

I'm very pleased the bill before us continues the trade benefits vital to the nations of sub Saharan Africa.

This bill would finally launch a more just trading policy with Haiti, and bring Vietnam into the community of trading nations that abide by international rules.

I am pleased this bill continues to provide discretion to the President to retain competitive need limit waivers under the Generalized System of Preferences and does not require revocation of any such waiver currently in effect.

Unfortunately, this bill falls short in some fundamental ways. First, we should make permanent GSP, not merely extend it temporarily.

The program should also be enhanced to meet the pledge made by the U.S. Trade Representative to extend duty-free and quota-free treatment to products produced by workers in poor countries.

At the beginning of this year's session of Congress, President Bush addressed the Congress and the American people and said, "In a complex and challenging time, the road of isolationism and protectionism may seem broad and inviting—yet it ends in danger and decline."

The President is right. The bill before us offers a dangerous future for our dealings with our own hemisphere. It weakens our relationship with Peru, Colombia, Bolivia and Ecuador. The conditions this bill imposes upon continued trade benefits for these countries are unrealistic.

This bill threatens thousands upon thousands of jobs in the Andean region, feeding a growing and destructive form of populism.

Mr. Speaker, the perfect cannot be the enemy of the good.

I know when the new Congress convenes in just over three weeks, the troubling components of this bill will be properly addressed, and I therefore support the bill before us today.

In conclusion, let me say I very much look forward to the new Congress, when trade policy will be constructed in public, and in daylight.

I look forward to next year's consideration of policies that aim to improve the human condition, and are produced by means enabling consensus, not division.

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today to voice my support for H.R. 6111, the Tax Relief and Healthcare Act. And, I would also like to thank Chairman THOMAS for all of his hard work both on this bill and throughout his tenure in Congress and as Chairman of the Ways and Means Committee.

Mr. Speaker, I am extremely pleased that this bill makes an important fix to a very urgent Medicare problem that if left unaddressed could have caused many hospitals—including 7 in New Jersey—to possibly have to close their doors to those who require that care. By providing an extension to changes to the hospital wage index classification system, these hospitals will be able to continue to receive higher Medicare reimbursement rates and thus avoid real financial jeopardy. Both this provision and the provision to eliminate the cut of up to 5 percent in payments to health care providers solve critical healthcare problems that cannot be put off any longer.

I am also pleased that a number of very important tax relief extensions were included such as the Research and Development Tax Credit and state and local sales tax deductions. I only wish that instead of extending these; we would make them permanent.

Mr. Speaker, I am, however, disappointed to see a number of miscellaneous provisions included in the bill that Congress has not had ample time to debate and that cost the taxpayers millions of dollars. The most egregious of these provisions is the provision regarding the Abandoned Mine Land Fund. The bill reduces some AML fees and converts the program from discretionary to mandatory spending. This will increase the deficit by $3.9 billion over the next 10 years. At a time when Congress should be looking for ways to reduce out-of-control mandatory spending, I do not believe this is prudent.

Mr. Speaker, even though I do not support every provision in this bill, the Medicare fixes and tax relief extensions are critical in nature and will benefit millions of Americans and I urge my colleagues to support this bill.

Mr. STARK. Mr. Speaker, I rise today in opposition to the Tax Relief and Health Care Act

of 2006. Today's legislation is a perfect example of the reckless priorities that voters rejected in giving Democrats control of both the House and Senate. Adding another $45 billion to the deficit is a fitting last act from Congressional Republicans. They've added trillions to the debt in the last 6 years and have no remorse about adding a few billion more on the way out the door.

This bill destroys our environment with expanded offshore drilling in the Gulf of Mexico, and though not in this bill, California is the next logical target. It expands school vouchers for Washington, D.C. as part of the Republican crusade to shift money to private and religious schools and undermine public education. On the healthcare front, this bill wastes a billion dollars on health savings accounts for the rich. It also expands the Medicare Advantage program, adding to the $5.2 billion in annual overpayments taxpayers already cough up to private insurers.

I am glad that this bill includes a temporary update for physicians, giving us a little breathing room heading into next year. But we're still going to have to do some very heavy lifting in order to dig ourselves out of the $250 billion hole Republicans created by kicking the can down the road the last few years. In the next Congress, I hope my colleagues on the other side of the aisle work with me to address this problem once and for all.

Tax breaks for the rich and new oil for CHENEY and the gang—looks like Republicans really won one for the Gipper today.

Mr. Speaker, I oppose this fiscally irresponsible package and hope that my colleagues on both sides of the aisle will join me in rejecting this bill.

Mr. ROYCE. Mr. Speaker, I rise to support H.R. 6111, the Tax Relief and Health Care Act of 2006.

The bill contains a package of provisions designed to improve Health Savings Accounts, HSAs. HSAs were enacted by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003. An HSA is a tax-exempt account to which tax-deductible contributions may be made by individuals with a high deductible health plan.

HSAs empower Americans to make informed decisions about their health care choices. Instead of being tied into a traditional plan that limits choice, and distances the consumer from the healthcare market, HSAs allow individuals to take an active role in the choosing how to spend their money.

This bill will:

Allow rollovers From Health FSAs and HRAs into HSAs;

Repeal the Annual Plan Deductible Limitation on HSA Contributions;

Modify the Cost-of-Living Adjustment;

Expand the Contribution Limitation for Part-Year Coverage;

Modify employer comparable contribution requirements for contributions made to non-highly compensated employees; and

Allow one-time roll overs from IRAs into HSAs.

Health Savings Accounts help families more easily access quality health care and save for medical costs. This bill will expand HSAs to help provide more Americans with health care coverage.

Mrs. JONES of Ohio. Mr. Speaker, I rise in support of this tax legislation.

H.R. 6111 includes many important provisions for the benefit of the American economy.

Although I would have preferred a longer extension, this bill extends for one year:

The R&D Tax Credit, which is a job creator and important to our domestic manufacturers, keeping them competitive globally;

The Welfare-to-Work and Work-Opportunity Tax Credits, which are incentives for employers that hire economically disadvantaged individuals with significant barriers to employment; and

The New Markets Tax Credit, which is important to the economic revitalization of our urban areas, such as Cleveland, Ohio.

And there are many more important tax provisions that this bill contains, in particular one which I have worked with Congressmen MIKE TURNER and JOHN BOEHNER and the Ohio delegation in a bipartisan fashion last year.

It deals with Regional Income Tax Agencies, and it helps municipalities improve their tax collection.

In my home State of Ohio we have the Regional Income Tax Agency (also known as RITA), which provides services to collect income tax for 120 municipalities in the state—including the cities of Shaker Heights, East Cleveland, Beachwood, and others in my district.

However, because their individual populations do not exceed 250,000 people, these cities cannot receive Federal tax information from the IRS in order to better and more accurately collect local taxes.

This legislation will allow municipalities that are members of Regional Income Tax Agencies to receive tax information from the IRS. Ohio RITA has determined that this will have two important economic benefits to Ohio cities:

1. Identification of delinquent taxpayers, which significantly enhance tax revenues to RITA municipalities in Ohio to the extent of a projected $21 million per year, and

2. Streamlining current business processes, thereby reducing costs to member municipalities.

Additional revenues are exactly what cities in Ohio need as local governments face tough decisions to cut critical services such as police and fire protection. These additional funds can now go towards those key social services, as well as our schools.

That is why I am in favor of this legislation and support its passage.

However, let me state that I am greatly disappointed that relief from the Alternative Minimum Tax (AMT) is not in this legislation.

The temporary AMT relief that Congress passed earlier this year expires at the end of this year, and it is not being extended in this legislation. That means that without AMT relief 15 million Americans face a tax increase as they stand to be hit by the AMT next year.

The Republican leadership decided to punt to the Democrats on that issue. But that is okay, as we Democrats have vowed next year to defuse the ticking time bomb that is the AMT.

The American people have placed us, Democrats, in the majority for a reason. They trust us to tackle the important issues that affect American families—and we will deliver.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in support of H.R. 6111, the Tax Relief and Health Care Act of 2006, which includes an extension of 30A tax credits for American Samoa's tuna canneries and protects the jobs of more than 5,000 cannery workers in the Territory.

As a matter of public record, I thank the Honorable WILLIAM THOMAS, Chairman of the House Committee on Ways and Means, for his unwavering support in getting this deal done. Chairman THOMAS is a true friend of American Samoa and has stood by us in our most difficult times. Because of him, our people have hope for a better future, and for this, I extend my deepest appreciation to the gentleman from California.

I also thank the Honorable CHARLES RANGEL, Ranking Member of the House Committee on Ways and Means. Congressman RANGEL is also a friend of American Samoa and has championed our cause on each and every trade agreement that has come before the U.S. Congress. He also supports our extension of 30A tax credits and is fully committed to working with us to implement a long-term tax policy based on the input of all vested stakeholders, especially our tuna canneries which are our largest private sector employers.

The possession tax credit offered by the Internal Revenue Code of 1986 has encouraged two U.S. tuna canneries which employ more than 5,150 people or 74 percent of the workforce to remain and invest in American Samoa. More than 80 percent of American Samoa's private sector economy is dependent either directly or indirectly on these canneries and a decrease in production or departure of one or both of the two canneries in American Samoa could devastate the local economy resulting in massive layoffs and insurmountable financial difficulties.

For this reason, I again thank Chairman THOMAS and Ranking Member RANGEL for supporting my efforts to include an extension of 30A tax credits for American Samoa in H.R. 6111. Given how serious this issue is for American Samoa, I also urge my fellow colleagues to vote in favor of this important bill.

Mr. RAHALL. Mr. Speaker, I would like the Record to show that I am voting for the pending legislation because it includes a historic accord to reauthorize the Abandoned Mine Reclamation Program and to address, in a comprehensive fashion, the pressing need to insure the long-term financial stability of the funds which finance health care for members of the United Mine Workers of America.

My views on the OCS Leasing provisions in the pending legislation are well known. I oppose them.

Yet in this case, the health and safety of coalfield residents, takes precedence as it always has, and always will, when it comes to how I discharge my duties.

Mr. MCKEON. Mr. Speaker, I rise in support of this legislation and would like to speak briefly on one of its most meaningful components.

When the topic of school choice is debated in Washington and elsewhere, we often refer to the lucky lottery of life. A child doesn't control which family he or she is born into, what economic situations that family must deal with, or what school he or she is likely to attend. Yet the result of that ''lucky lottery of life'' often sets a child on a very specific path through his or her early years—and beyond.

Each year, not too far from this Capitol building, we witness a lottery of a different type. The Washington Scholarship Fund, an organization founded to empower low-income Washington, DC families with a choice in where they send their children to elementary,

middle, and high school, hosts an annual picnic where parents, grandparents, and others stand in line, waiting to enter a lottery of their own.

The prize? A partial scholarship to a private school in the nation's capital and a chance for their loved ones to escape some of the nation's most troubled public schools. It's ironic that each year, for a limited number of Washington families, one lottery has the potential to dramatically impact the results of the other.

In 2004, the Washington Scholarship Fund was chosen to manage the nation's first ever federally-funded K–12 scholarship program, the DC Opportunity Scholarship Program. This program provides low-income students and families access to up to $7,500 to cover tuition, fees, and any transportation expenses at a private elementary or high school in Washington.

Written by Congress, signed by a Republican President, and embraced by a Democrat mayor of the District of Columbia, this school choice program is making a real difference for about 1,800 students this year.

But for some, their participation will be placed at risk if we do not act today. Due to very small increases in income or changes in family structure, some participating families now find themselves ineligible for the scholarships they have received for the last two years. Unless we increase the income eligibility threshold for renewing scholarship families that entered the program in its first two academic years from 200 percent to 300 percent of the federal poverty level, some participating students will no longer be eligible to attend the schools that they have called home for the last two years.

By raising the income eligibility limit for renewing families, the average income of Opportunity Scholarship Program families would be $22,424. So, the program still would serve the low-income population for which it was initially designed. And this would not cost taxpayers a single dollar more, since this technical change simply allows participating students to remain in the program.

Just as importantly, by allowing these students to continue participating, an ongoing federal evaluation of the program can remain in place as it was intended. If we don't act, potentially hundreds of low-income students will be forced from the program but will continue to be studied as if they could use the scholarship, thereby compromising the study. For both supporters and opponents of the program, this study is sure to provide us some meaningful data about both its successes and shortcomings, and it serves us well to ensure its results are valid.

Mr. Speaker, this language has passed the Senate Appropriations Committee already and enjoys bipartisan support. For the good of this program and the students it serves—students we call neighbors here in Washington, DC—I urge its passage here in the House as well.

Mr. BLUMENAUER. Mr. Speaker, this bill serves as a reminder why the American people feel Congress is failing them. It is little more than an incoherent grab bag of the good and bad. I am disappointed that the Republicans, in their last act of power, chose to skirt their responsibilities as lawmakers by sending this bill to the floor at the last minute and under a rule that does not allow for Members to thoroughly analyze its contents. Due to a prior engagement in my district, I was unable to be here to vote on H.R. 6111. But in the end, there is no good vote for this bill. It is my hope that under Democratic leadership next year, we will hold ourselves to a higher standard and refuse to make policy like this.

Had I been present for the vote on the Markey-Hinchey motion to recommit on the Alternative Minimum Tax and oil royalties, I would have voted ''aye.''

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 6111, the Tax Relief and Health Care Act of 2006. I do so for three reasons. First, the bill extends and modifies certain key tax relief provisions through 2007, which provide much needed relief to working and middle-class taxpayers.

Second, I believe that among the most urgent challenges confronting the Nation, none is more important than lessening, and ultimately ending, America's dependence on foreign energy sources. H.R. 6111 advances this goal in a small but appreciable way by permitting oil and gas production in an 8.3–million acre area of the Gulf of Mexico, with 37.5 percent of the lease income allocated to the Gulf Coast States closest to the drilling area, excluding the Florida gulf coast.

Third, the bill blocks the scheduled 5 percent cut in Medicare payments to doctors, and provides for a 1.5 percent increase in such payments next July for physicians who submit data relating to certain quality of care standards.

I. EXTENSION OF TAX RELIEF FOR WORKING AND MIDDLE CLASS

Mr. Speaker, H.R. 6111 extends through 2007 several tax provisions under current law, including provisions that expired at the end of 2005 and some that are set to expire at the end of this year. Many of these provisions are targeted to middle- and working-class taxpayers. I strongly support this portion of the bill. I would like to discuss several of the more important middle class tax relief provisions.

STATE AND LOCAL SALES TAX DEDUCTION

H.R. 6111 extends by 2 years the provision allowing taxpayers the option of deducting general sales taxes paid. This provision is of particular benefit to taxpayers living in States that do not impose a State income tax. Taxpayers have long been permitted to claim an itemized deduction for certain State and local taxes, including personal income tax, real property taxes and personal property taxes, but they have not been to deduct general sales taxes since 1986. The 2004 corporate tax bill allowed taxpayers, in 2004 and 2005 only, to claim instead an itemized deduction for State and local sales taxes, either by accumulating receipts and deducting the total amount or using tables produced by the Internal Revenue Service. In States without State income tax, this provision provided a new deduction for individuals.

HIGHER EDUCATION EXPENSES DEDUCTION

Similarly, the bill renews and extends through 2007 the ''above-the-line'' deduction that taxpayers may claim for higher education expenses: An ''above-the-line'' deduction is a deduction that may be claimed by a taxpayer even if he or she does not itemize his or her deductions. Under the provision of law that would be extended, taxpayers can deduct up to $4,000 of such expenses if their adjusted gross income does not exceed $65,000 for a single return or $130,000 for a joint return, and up to $2,000 if their income does not exceed $80,000 for a single return or $160,000 for a joint return. In this increasingly globalized economy, a college education is becoming a necessity. We must do all we can to ensure that access to higher education remains affordable to the working and middle class. That is why I support strongly the renewal and extension of the deductibility of higher education expenses.

TEACHER CLASSROOM DEDUCTION

Mr. Speaker, H.R. 6111 also extends through 2007 a provision that expired at the end of 2005, under which teachers may claim an ''above-the-line'' deduction up to $250 of the expenses for certain supplies that they purchase for their elementary or secondary classrooms with their own money.

Mr. Speaker, my daughter taught in elementary schools and I know how devoted she and her colleagues were to providing their students with the most enriching educational experience possible. It is not uncommon for them to dip into their personal funds to buy supplies and materials to supplement those provided by the schools. Teachers go this extra mile because they love what they do; everyone knows it is not because they are overpaid. I approve the teacher classroom deduction included in the bill. I hope we will be able to increase the amount of this deduction in the future.

II. ENERGY INDEPENDENCE AND SECURITY

It is imperative that America achieves energy independence in the 21st century. We must end our addiction to foreign sources of oil, most of which are found in regions of the world which are unstable and in some cases, opposed to our interests. Accordingly, there is no issue more integral to our economic and national security than energy independence.

Although I must admit that I do have reservations about certain aspects of this bill and the process with which this bill has arrived on the House floor, I nevertheless support it as a step in the right direction of America achieving energy independence. I think many of us in the House would agree that the issues central to this bill, the future of energy exploration off of our gulf coastlines, deserves more time for deliberation, debate, and a process for amendment. Some of these provisions which were incorporated into H.R. 4671 include my amendments which supported minority-serving universities and minority-owned businesses.

These very important provisions were designed to ensure that sectors of our Nation and economy which are often overlooked, namely, minority-serving institutions and minority-owned businesses, were given an opportunity to benefit from and compete for the opportunities afforded in this bill.

Nevertheless, I still support H.R. 6111 because it is a step in the right direction, a step towards energy independence, and a step away from being eternally beholden to foreign sources of oil. Additionally, I believe the energy aspects of the bill lay the foundation for the development of a new model for reclaiming wetlands; will help the Gulf Coast States affected by Hurricanes Katrina and Rita to recover from the disaster and prosper in the future; provide thousands of good-paying jobs for the middle class; and serve as a blueprint for general revenue sharing in the 21st century.

In this connection, I would like to emphasize that the revenue sharing formula in the bill ensures that 37.5 percent of the revenue from

new areas of production and new leases go towards gulf producing States. Furthermore, 20 percent of the revenue allocated to gulf producing States must be allocated to the State's coastal subdivisions to be used for the purposes of: coastal protection, conservation, coastal restoration, hurricane protection, protecting coastal wetlands, and mitigating damage to fish and wildlife. In addition, 12.5 percent of the revenue will be allocated to the Land and Water Conservation Fund, which ensures that the environmental impact of offshore drilling will be monitored, managed, and regulated to ensure that our coasts are protected.

Energy is the lifeblood of every economy, especially ours. Producing more of it leads to more good jobs, cheaper goods, lower fuel prices, and greater economic and national security. However, the U.S. is more than 60 percent dependent on foreign sources of energy, twice as dependent today as we were just 30 years ago. Although energy is the lifeblood of America's economic security, this growing and dangerous dependence has resulted in the loss of hundreds of thousands of good American jobs, skyrocketing consumer prices, and vulnerabilities in our national security.

Energy imports now make up one-third of America's trade deficit. Through this bill, America could improve the supply-demand imbalance, lower consumer prices, and increase jobs by producing more of its own energy resources. With my district of Houston being the energy capital of the world, I support the efforts that this bill makes to recognize State stakeholders and incorporate their interests in revenue sharing.

According to the U.S. Minerals Management Service, MMS, America's deep seas on the Outer Continental Shelf, OCS, contain 420 trillion cubic feet of natural gas—the U.S. consumes 23 TCF per year—and 86 billion barrels of oil—the U.S. imports 4.5 billion per year. Even with all these energy resources, the U.S. sends more than $300 billion—and countless American jobs—overseas every year for energy we can create at home.

In some cases, the U.S. is facing much-higher energy prices than other countries. Natural gas, for example, is as much as ten times more expensive in the United States than it is in foreign nations. This fact alone has led to the loss of hundreds of thousands of high-paying American jobs, as natural gas-dependent factories are forced to close their doors and move overseas in search of more affordable energy. The outsourcing of American jobs is an issue of central importance to me and my constituents, and I believe this bill is a step in the right direction of bringing jobs back to hard-working Americans.

III. H.R. 6111 BLOCKS MEDICARE CUTS IN PHYSICIAN PAYMENTS

Finally, Mr. Speaker, I support the bill because it blocks the 5 percent cut in payments to physicians who treat Medicare patients which otherwise would go into effect on January 1, 2007. Over the next 9 years, Medicare's trustees are projecting a total of 40 percent in Medicare payment cuts to physicians. If the January 1 cut is imposed, the average physician payment rate, accounting for increases in the cost of running a practice, will be less in 2007 than it was in 2001.

The Medicare sustainable growth rate, SGR, formula, used in establishing payment rates under the physician fee schedule under the Medicare program, resulted in significant payment cuts to physicians and health care professionals in 2002. These cuts were for doctors only, not for hospitals or other medical facilities.

The Medicare SGR formula would have resulted in payment cuts to physicians and health care professionals in 2003, 2004, 2005, and 2006 had Congress not intervened.

According to the Medicare Payment Advisory Commission, MedPAC, and the board of trustees of the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, the Medicare SGR formula will result in substantial payment cuts to physicians and health care professionals through at least 2015.

MedPAC is very well respected and a recognized authority on Medicare and healthcare issues. It does not support the impending payment cuts and is concerned that such consecutive annual payment cuts would threaten access to physician services over time, particularly primary care servlces.

MedPAC has raised concerns over current payment policies that may discourage medical students and residents from becoming primary care physicians because many Medicare beneficiaries rely on primary care providers for important health care management.

According to a 2006 American Medical Association, survey, if payment cuts to physicians under the Medicare program go into effect: half of physicians plan to decrease the number of new Medicare patients they accept; half of physicians plan to defer the purchase of information technology; 1 in 3 physicians who treat patients living in rural communities will discontinue rural outreach services; and almost half—43 percent—of physicians will decrease the number of new TRICARE patients they accept.

The annual actions by Congress that have overridden the Medicare SGR formula have only resulted in instability and unpredictability for physicians, health care professionals, seniors, and individuals with disabilities. It does not solve the long-term systemic problem of rising costs.

Stable, positive updates under the Medicare physician fee schedule that accurately reflect medical practice cost increases are vital for encouraging and economically supporting physicians' ability to make the significant financial investment required for health information technology and participation in quality improvement programs.

A stable payment system for physicians is critical to preserve Medicare beneficiaries' access to high-quality health care.

We cannot in good conscience establish barriers for doctors and health care professionals to surmount in order to continue to provide access to high-quality Medicare services for all Medicare beneficiaries. Congress must halt the impending January 1 cuts and develop an alternative payment system that accurately reflects the costs of providing care to Medicare beneficiaries.

The biggest single flaw is that this payment schedule rubric recently announced by CMS has no connection to the actual cost of providing patient care. Starving doctor's practices will not decrease healthcare prices, or change unethical behavior. It will drive doctors out of business who are desperately needed to provide care to our elderly.

In conclusion, I urge my colleagues to support H.R. 6111 because it takes three steps in the right direction: (1) It provides much needed tax relief to working and middle class taxpayers; (2) It reduces the Nation's dependence on foreign energy supplies and ensures that Gulf Coast States share in the revenue from new areas of production while protecting our environment; and (3) It blocks draconian cuts by Medicare in payments to physicians. I urge all members to support the bill.

Ms. FOXX. Mr. Speaker, today, I voted for H.R. 6111, the Tax Relief and Health Care Act of 2006. This bill contained a number of critical provisions, which I supported, and a few which I opposed.

Among the critical provisions contained in the bill, were the tax deductions for higher education expenses, the extension of the research and development tax credit, and the tax deduction for teachers who purchase certain educational supplies for their classrooms. I approve of allowing employers who hire individuals in targeted groups to claim the maximum $2,400 work opportunity tax credit and the welfare to work tax credit. This bill enhances individual ownership of health care decisions by strengthening health savings accounts. And of course, I am thrilled that the bill prevents a decrease in Medicare physician reimbursement payments.

However, I was disappointed that some of my colleagues included some other policies, such as the provisions involving the abandoned mine land program. The Congressional Budget Office has determined that these changes will increase government spending, costing the taxpayers $4.9 billion over 10 years. Ultimately, the inclusion of these provisions was enough to violate the budget resolution agreed to by the House, which is intended to help restrain out-of-control Federal spending. I am sorry also that the bill contained an earmark demanded by the Democratic leader in the Senate.

It is my firm belief, shared by many others, that this was the last opportunity we would have for at least 2 years to vote for these good provisions. Realizing that this was not a perfect bill and that it was unlikely I would have a chance to vote on a ''clean'' bill, I voted for this bill to ensure the positive tax policies that have led to 38 consecutive months of economic growth will not end.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise to support H.R. 6111 because it is critical that we address the unsustainable cut scheduled for reimbursement to physicians under Medicare. Due to the inequities of the Federal Government's formula, physicians in Minnesota receive some of the lowest payment in the Nation while providing, in my opinion, the best care. I will continue to work to ensure that Congress addresses this problem in the long term and that quality health care is available for Medicare beneficiaries in Minnesota and across the country.

I also strongly support the tax extensions included in this legislation. The Research and Development Tax credit, the college tuition deduction, the State sales taxes exemption, and teacher classroom expenses deduction are widely supported and important to families and businesses in the 4th District. It is unfortunate that the Republican majority has once again failed to craft a durable solution to the Alternative Minimum Tax, which is squeezing middle class families. I look forward to working with incoming-Chairman RANGEL to improve tax fairness for middle class families in the next Congress.

However, I am deeply disappointed the Republican majority chose to insert an unrelated and irresponsible plan to open 8 million acres to oil and gas drilling in the eastern Gulf of Mexico into this otherwise constructive bill. Our country consumes 25 percent of the world's oil supply but controls only 3 percent of known reserves. That means an energy policy focused primarily on domestic fossil fuel production will never deliver energy security for America's working families and small businesses. Instead, the Congress must commit to a comprehensive energy strategy that makes bold investments in homegrown renewable fuels, mass transit, innovative vehicle technology and increased vehicle efficiency.

In addition to these failings, the bill's offshore drilling provisions continue a pattern of giveaways for big oil at taxpayer expense. H.R. 6111 will rob tens of billions of dollars from the Federal Treasury in offshore drilling royalties. Nearly 40 percent of the royalty revenue generated from new leases will go to four States—Texas, Louisiana, Mississippi and Alabama—which will cost the Federal Government an estimated $20 billion over the next two decades. And the bill does nothing to stop the Federal Government from giving oil and gas companies $7 billion in tax breaks for drilling on Federal lands (known as "royalty relief")—resources that should be directed to providing tax relief for American families.

I voted for the Markey-Hinchey amendment to H.R. 6111, which would have restored a modicum of fiscal sanity to the offshore drilling aspects of the bill. The amendment would push oil and gas companies to renegotiate their royalty free drilling leases by prohibiting companies holding such leases from gaining access to the eight million acres this bill opens to exploration. Unfortunately the amendment narrowly failed on the House floor.

Despite a clear message in last month's mid-term election for a return to ethical governance, Republican leaders used the popularity of tax credit extensions and the need to restore cuts in Medicare reimbursement to force a reckless offshore drilling plan upon America. Therefore, it is with both regret and resolve that I support the omnibus package included in H.R. 6111.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to once again express my strong opposition to the way the current Majority conducts business here in the House of Representatives. True to their tenure in charge of this Chamber, on the last day of the 109th Congress they are packaging four separate provisions only barely tenuously related into one omnibus measure. This is not the way to legislate, and it is particularly frustrating because there are several excellent provisions included in this omnibus bill, unfortunately packaged with atrocious provisions that cannot and would not stand on their own merits.

Mr. Speaker, there is much to like in this legislation. There are extensions of many important tax provisions that are scheduled to soon expire that are critical to businesses, students, educators, renewable energy development, and our troops. There is a vitally important freeze, and in some cases an increase, in reimbursements under Medicare for physicians. This particular provision is extremely important to my State of New Mexico, and I have worked to address the scheduled cut in reimbursement rates by cosponsoring legislation to repeal the sustainable growth rate formula, as well as joined many of my colleagues in sending letters to the House Leadership and other Members on committees with oversight responsibility for the Medicare program. In addition to the physician reimbursement, there are also several important provisions for rural health care providers under Medicare. Many of these provisions are included in rural health care legislation that I was proud to cosponsor during this Congress.

However there is more that is objectionable in this legislation. Once again, the majority's tunnel vision and unwillingness to legitimately explore alternative sources of energy has led us to their energy panacea—drilling in areas closed to exploration. There are answers to our energy problems beyond drilling, the majority simply chooses not to look at them in a serious manner. I strongly support the rebuilding of the Gulf Coast States devastated by last year's hurricanes, and recognize the obligation of the Federal Government to assist in doing so. I also believe we must urgently protect and restore coastal wetlands. But I do not believe it should be done through the royalties derived from oil and gas leases authorized by this provision. These funds should be deposited in the Federal coffers—as more than the majority of funds derived from Federal oil and gas leases are—not set up as a new entitlement for only four States. Redirecting these funds marks an unprecedented raid on the Federal Treasury of billions of dollars for the benefit of four States. This kind of fiscal irresponsibility is unacceptable.

Also Mr. Speaker, I am extremely disappointed at the inclusion of Health Savings Accounts, a measure that would have trouble passing Congress as a stand-alone. Again, this legislation marks another significant decrease in revenue, to the estimated tune of $287 million from FY07 to FY11, and by $1 billion from FY07 to FY16.

Regardless of the provisions included in this legislation, this is no way to legislate. It is not good government and is not good for democracy. Each of these measures are important enough on their own that they deserve up-or-down votes and the only good about today is that this is the last day the majority win be able to conduct the business of the House in such an irresponsible manner.

Mr. THOMAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. MARKEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to amend will be followed by 5-minute votes on adoption of the motion to concur, if ordered; and the motion to suspend on H. Res. 1091.

The vote was taken by electronic device, and there were—ayes 205, noes 207, not voting 20, as follows:

[Roll No. 532]

AYES—205

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Boehlert
Boswell
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Farr
Ferguson
Filner
Fitzpatrick (PA)
Fossella
Frank (MA)
Gerlach
Gordon
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Reynolds
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—207

Abercrombie
Aderholt
Akin
Alexander
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Beauprez
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Brady (TX)
Brown (SC)
Burgess
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode

Goodlatte
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Keller
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Nunes
Nussle
Ortiz
Osborne
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schmidt
Schwarz (MI)
Sekula Gibbs
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—20

Baker
Blumenauer
Burton (IN)
Davis, Jo Ann
Evans
Fattah
Ford
Gallegly
Gibbons
Gillmor
Jones (NC)
Kolbe
Norwood
Otter
Oxley
Paul
Strickland
Sweeney
Taylor (NC)
Watson

□ 1528

Ms. GRANGER, Messrs. Camp of Michigan, FLAKE, THOMAS, MACK, THOMPSON of Mississippi, TERRY, MURPHY, PICKERING, Mrs. CUBIN, Messrs. WELDON of Pennsylvania, BILIRAKIS, AL GREEN of Texas and PEARCE changed their votes from ''aye'' to ''no.''

Mr. OWENS, Mrs. KELLY, Messrs. HINOJOSA, REYES, SALAZAR, FERGUSON and MOLLOHAN changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. NORWOOD. Mr. Speaker, on rollcall No. 532, Markey of Massachusetts amendment, had I been present, I would have voted "no."

The SPEAKER pro tempore (Mr. BONNER). The question is on the motion to concur in the Senate amendment with an amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MARKEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 5-minute vote on the motion to concur in the Senate amendment with a House amendment will be followed by 5-minute votes on suspending the rules on H. Res. 1091 and suspending the rules on H.R. 6375.

The vote was taken by electronic device, and there were—ayes 367, noes 45, not voting 21, as follows:

[Roll No. 533]

AYES—367

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meehan
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Northup
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Owens
Pascrell
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Loretta
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sekula Gibbs
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—45

Andrews
Baldwin
Brady (PA)
Capps
Conyers
Davis (FL)
Farr
Filner
Frank (MA)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Holt
Jackson (IL)
Kucinich
Lee
Lynch
Markey
McGovern
McKinney
Meek (FL)
Moore (WI)
Napolitano
Olver
Pallone
Pastor
Payne
Ros-Lehtinen
Roybal-Allard
Sánchez, Linda T.
Sanders
Schakowsky
Simpson
Stark
Tierney
Udall (NM)
Visclosky
Wasserman Schultz
Waters
Waxman
Wexler
Whitfield
Woolsey

NOT VOTING—21

Baker
Blumenauer
Burton (IN)
Davis, Jo Ann
Evans
Fattah
Ford
Gallegly
Gibbons
Gillmor
Jones (NC)
Kolbe
Norwood
Otter
Oxley
Paul
Simmons
Strickland
Sweeney
Taylor (NC)
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1538

Mr. BERMAN, Ms. SOLIS, and Mr. MEEHAN changed their vote from ''no'' to ''aye.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for: Mr. NORWOOD. Mr. Speaker, on rollcall No. 533, Tax Relief and Health Care Act, had I been present, I would have voted ''yes.''

Mr. SIMMONS. Mr. Speaker, on rollcall No. 533 I was listed as not voting. I was in the Capitol, however, and cannot explain the absence of a recorded vote. I would like to be recorded as voting "yea."

PERSONAL EXPLANATION

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, due to a medical treatment, I was unable to attend votes on Friday, December 8, 2006. Had I been present, I would have voted the following:

H.R. 6406—"nay"; to modify temporarily certain rates of duty and make other technical amendments to the trade laws, to extend certain trade preference programs, and for other purposes.

H.R. 6111—"yea"; Tax Relief and Health Care Act of 2006.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 1674. An act to authorize and strengthen the tsunami detection, forecast, warning, and mitigation program of the National Oceanic and Atmospheric Administration, to be carried out by the National Weather Service, and for other purposes.

H.R. 6131. An act to permit certain expenditures from the Leaking Underground Storage Tank Trust Fund.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1245. An act to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1120. An act to reduce hunger in the United States, and for other purposes.

S. 4113. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine.

CONDEMNING IRAN'S COMMITMENT TO HOLD INTERNATIONAL HOLOCAUST DENIAL CONFERENCE

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 1091, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 1091, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 25, as follows:

[Roll No. 534]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sekula Gibbs
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—25

Baker
Blumenauer
Burton (IN)
Cubin
Davis, Jo Ann
Evans
Fattah
Ford
Gallegly
Gibbons
Gillmor
Jones (NC)
Kolbe
McCrery
McKinney
Norwood
Otter
Oxley
Paul
Strickland
Sweeney
Tancredo
Taylor (NC)
Watson
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised the pending vote is on H. Res. 1091, as amended, condemning in the strongest terms Iran's commitment to hold an international Holocaust denial conference on December 11–12, 2006.

That is the vote that is currently on the floor. A vote on H.R. 6375 will follow immediately after this vote.

□ 1553

Mrs. NORTHUP, Mrs. LOWEY, Messrs. COSTA, CONYERS, LANTOS, MICHAUD, BERMAN, CUMMINGS, GEORGE MILLER of California, SALAZAR, and JEFFERSON changed their vote from "nay" to "yea."

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. NORWOOD. Mr. Speaker, on rollcall No. 534, condemning in the strongest terms Iran's commitment to hold on international Holocaust denial conference; had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. FATTAH. Mr. Speaker, had I been present for the vote on H. Res. 1088 and H. Res. 1091, I would have voted "yea."

REQUIRING SECRETARY OF DEFENSE TO SUBMIT ANNUAL REPORT ON CONGRESSIONAL INITIATIVES

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 6375.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HUNTER) that the House suspend the rules and pass the bill, H.R. 6375, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 70, nays 330, not voting 32, as follows:

[Roll No. 535]

YEAS—70

Barrett (SC)
Barrow
Bilbray
Blackburn
Bradley (NH)
Brown-Waite, Ginny
Campbell (CA)
Capito
Castle
Chocola
Coble
Cooper
Davis, Tom
Deal (GA)
Dent
Duncan
Feeney
Fitzpatrick (PA)
Flake
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Green (WI)
Hall
Hayworth
Hensarling
Hoekstra
Hunter
Inglis (SC)
Jindal
Johnson (IL)
Kennedy (MN)
King (IA)
Leach
Linder
McHenry
McMorris Rodgers
Miller (MI)
Moran (KS)
Musgrave
Neugebauer
Nussle
Pence
Pitts
Platts
Poe
Price (GA)
Ramstad
Reichert
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Simmons
Souder
Stearns
Tiberi
Westmoreland
Wolf

NAYS—330

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Boehlert
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Chabot
Chandler
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Ferguson
Filner
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Gerlach
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sekula Gibbs
Serrano
Sherman
Sherwood
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Stupak
Sullivan
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—32

Baker
Berkley
Biggert
Blumenauer
Blunt
Boehner
Burton (IN)
Conyers
Cubin
Davis, Jo Ann
Evans
Fattah
Ford
Gallegly
Gibbons
Gillmor
Jefferson
Jones (NC)
Kolbe
McCrery
McKinney
Miller, Gary
Norwood
Otter
Oxley
Paul
Strickland
Sweeney
Tancredo
Taylor (NC)
Waters
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1602

Mr. MORAN of Kansas changed his vote from "nay" to "yea."

So (two-thirds of those voting having not responded in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. NORWOOD. Mr. Speaker, on rollcall No. 535, requiring the Secretary of Defense to submit to Congress an annual report and to provide notice to the public on congressional initiatives in funds authorized or made available to the Department of Defense, had I been present, I would have voted "yes."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 6136

Mr. ENGEL. Mr. Speaker, I ask unanimous consent to remove my name as a co-sponsor of the bill, H.R. 6136.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 102, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2007

Mr. PUTNAM, from the Committee on Rules, submitted a privileged report (Rept. No. 109–727) on the resolution (H. Res. 1105) providing for consideration of the joint resolution (H.J. Res. 102) making further continuing appropriations for the fiscal year 2007, and for other purposes, which was referred to the House Calendar and ordered to be printed.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 4, 2006.

Hon. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: On November 7, 2006, I received the great privilege of being elected Governor of the State of Nevada. Although Dean Heller was elected and will succeed me as the representative of the Second Congressional District of Nevada, under Nevada law I must formally resign my Congressional office prior to taking office as Governor. I have advised the current Governor of the State of Nevada of such resignation and hereby inform you of my formal resignation as the representative of the Second Congressional District of Nevada to be effective at the close of business on December 31, 2006.

It has been an honor and pleasure representing the Great State of Nevada in Congress over the past 10 years, and I look forward to continuing that service as Governor.

Sincerely,

JIM GIBBONS,
Member of Congress.

DECEMBER 4, 2006.

Hon. KENNY GUINN,
Governor, State of Nevada,
Carson, City, NV.

DEAR GOVERNOR GUINN: On November 7, 2006, I received the great privilege of being

elected Governor of the State of Nevada. As you may be aware, under Nevada law I must formally resign my Congressional office prior to taking office as Governor. I have advised the Speaker of the House of such resignation and hereby inform you of my formal resignation as the representative of the 2nd Congressional District of Nevada to be effective at the close of business on December 31, 2006.

It has been an honor and pleasure representing the Great State of Nevada in Congress over the past 10 years, and I look forward to continuing that service as Governor.

Sincerely,

JIM GIBBONS.

PROVIDING FOR CONSIDERATION OF H.J. RES. 102, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2007

Mr. PUTNAM. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1105 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1105

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 102) making further continuing appropriations for the fiscal year 2007, and for other purposes. The joint resolution shall be considered as read. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman from Florida (Mr. PUTNAM) is recognized for 1 hour.

Mr. PUTNAM. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Mrs. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

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

Mr. PUTNAM. Madam Speaker, I thank my colleagues. I realize that as we wind down this session, Congress, Members are still attempting to move last-minute suspensions and items of importance for their district.

This resolution, Madam Speaker, is a rule that provides for consideration of House Joint Resolution 102, making continuing appropriations for fiscal year 2007. This rule provides for 1 hour of debate in the House, equally divided and controlled by the majority and minority chairman and ranking member of the Committee on Appropriations. The rule waives all points of orders against consideration of the joint resolution and provides for one motion to recommit.

I want to commend both Chairman LEWIS and Ranking Member OBEY and the entire House Appropriations Committee for sticking to the timetable that they laid out at the beginning of this legislative session. In an impressive display of bipartisanship and great labor, the House passed 10 of the 11 appropriations bills prior to the July 4 district work period this year. Since July the Senate has returned to us the defense and homeland security appropriations bills, each of which has been signed by our President. Only the military quality of life appropriations bill has been passed by the Senate and is being conferenced. The remaining seven remain floundering in the Senate.

The House of Representatives, Chairman LEWIS and Ranking Member OBEY, and this body, have done their work. We must institute the continuing resolution in order to allow the government to continue functioning through February 15, 2007. This allows the new Congress ample time to organize and consider the outstanding appropriations bills. The rule allows consideration of this imperative continuing resolution funding measure.

While disappointed that we must resort to a CR, I am pleased that the appropriators have ensured that we have a clean bill without extraneous projects or funds and we have avoided the temptation often driven by the other body to package bills together in an omnibus.

Throughout the appropriations process, the committee has shown its commitment to the budget resolution and to fiscal accountability. The committee has funded programs and activities at the lowest of the House-passed level, the Senate-passed level, or the fiscal year 2006 rate. For agencies for which the Senate has not passed the bill, the funding rate is at the lower of the House-passed level or the fiscal 2006 current rate. For agencies for which neither the House nor the Senate have passed the bill, the funding rate is at the current 2006 number.

And in order to ensure quality health care for our veterans, we have included substantial additional transfer authority for Veterans Administration medical care. As the entire Federal Government is facing a plateaued budget, the CR includes a provision that prohibits the automatic implementation of the cost of living adjustment for Members of Congress also until February 16.

Again, I want to congratulate Chairman LEWIS and Ranking Member OBEY on their hard work. I urge Members to support the rule and the underlying continuing resolution so that we can finish the appropriations process and move down the road toward meeting the needs of this country.

Madam Speaker, I reserve the balance of my time.

Mrs. SLAUGHTER. Madam Speaker, I thank the gentleman for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Madam Speaker, the bill before us represents one of the last chances that the majority has to leave its mark on the 109th Congress, and yet again we are ending this session like we began it, rushing to pass a rule on a bill without having taken enough time to get either one right.

Along with the broken process used to pass this legislation, what is in this bill is a perfect representation of what is wrong with the way business has been done under this majority. It is a clear example of why we need a new direction in Washington, why we need a new philosophy of government to take root here in the people's House.

This continuing resolution will automatically fund government programs at their current levels through February 15 of next year. It is the third continuing resolution Congress has passed since the current fiscal year began on October 1. We are in the second week of December, and the majority has approved only two of the 11 bills that were needed this year. In fact, by the time this resolution expires in February, the Federal Government would have been on autopilot for more than one-third of the 2007 fiscal year. The nine spending bills that the 109th Congress will leave unfinished when it adjourns this week cover over $460 billion in Federal spending, 460 billion. That is almost half a trillion that the leaders of the Congress have decided to send out the door without any policymaking or oversight.

Madam Speaker, the majority didn't do its job. As representatives, we are sent here to be good stewards of the taxpayer dollars that the Federal Government spends. It is one of our most important responsibilities. Voters do not expect us to abdicate that responsibility or any other responsibility, for that matter. What they expect is that we will take on the challenges confronting our Nation, challenges which have for years awaited a leadership with the vision and commitment needed to address them.

Madam Speaker, my fellow Democrats and I understand what the American people expect of us. Democrats believe that running this House correctly is a matter of pride. We believe it is a matter of having a fundamental respect for both the institution in which we serve and for the citizens who gave us the privilege to serve here.

And that is why when the 110th Congress opens next month, Democrats will actually face the unanswered challenges confronting us with a new promise and address them in a new way. The House will no longer avoid asking tough questions or fail to live up to its most basic duties. Democrats are going to show the American people a Congress with a new set of priorities and a new set of how best to do the people's business.

They are going to see a Congress committed to getting our deficits under control and passing critical bills like unfinished budgets before us on time. They will see a Congress focused on rewarding millions of hardworking

Americans with an increase in the minimum wage and on promoting education and employment opportunities to help save the backbone of our economy: the middle class.

Americans are going to see a Congress committed to the high standards of ethical conduct and procedural fairness so that corruption will no longer find refuge within these Halls.

And they are going to see a Congress with the principle needed to truly stand up for our troops in the field by changing our course in Iraq and by rooting out the fraud, waste, and abuse that to this day endanger the very soldiers that we have asked to risk their lives countless times on our behalf.

□ 1615

Mr. Speaker, the new direction my fellow Democrats and I stand for will show our gratitude to the American people for giving us this opportunity to serve our country, to help our communities, and strengthen our future. It is in the Democratic Party's respect for the fundamental principles of our society that they will see the faith we have in the principles and their timelessness and in their strength.

It is in the challenges we choose to confront and the honest, open and fair means by which we confront them that they will see our dedication to a government of, by, and for the people of the United States.

The American people understand what is at stake in the years ahead. They understand that how we act, both in Washington and toward those at home and abroad, will determine who we are as a Nation. They want a country they can recognize. They want the country they grew up believing in. They want a Congress they can be proud of again. And, Madam Speaker, that is exactly what the Democrats are going to give them.

Madam Speaker, I reserve the balance of my time.

Mr. PUTNAM. Madam Speaker, I am pleased to yield 2 minutes to my Rules Committee colleague, the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Madam Speaker, I rise today to speak in support of this rule. As I was listening to the statements that have gone on, I started thinking to myself, you know, it is the Christmas season. It is a time of optimism. It is a time of reflection. It is a time when we look forward to the new year. And as I do that, as a Member of Congress, as a family member, as a member of my community, as an American citizen, I look forward to what is going to happen after this new year. But what we need to concentrate on today is to make sure that the business of the people continues in a responsible way, and that is what this rule does. It continues the government spending.

I have great regrets that we were unable to get our appropriations bills through, and I hold the other side of the aisle, the other side of the big aisle, responsible for a lot of that. But at the same time, I think it is important for people across the Nation who are watching this to realize what we are really talking about today, and that is the continuing services, continuing benefits, continuing the work and the funding of the American government.

I think it is also important to note in this particular piece of legislation, because we are very concerned, as a Congress, about our veterans and about our VA health care, that because there could be some possible issues between now and when this expires in February, that we have allotted for the ability to have the transfer within the VA medical costs so that they won't skip a beat, and our veterans will be cared for in the manner to which we would want them to be cared for, in the manner which they deserve.

So I rise today with a heart filled with Christmas spirit, with a positive outlook, not only on this body, but this Nation. And I wish the other side good luck in the years to come, and I look forward to serving this Congress and the next Congress.

Ms. SLAUGHTER. Madam Speaker, I reserve the balance of my time. But let me inquire if my colleague has any more speakers.

Mr. PUTNAM. I thank the lady for her inquiry. I am advised that we have no other Members wishing to speak on the rule.

Ms. SLAUGHTER. Then I am prepared to yield back the balance of my time.

Mr. PUTNAM. Madam Speaker, before I yield back the balance of my time I, first and foremost, want to urge my colleagues to adopt the rule and adopt the continuing resolution, and express my highest regards and best wishes to the gentlewoman from New York as she prepares to take the leadership of the Rules Committee. And I wish her all the very best. And I regret that I will not be serving on the committee under her leadership, but certainly wish she and her colleagues all the opportunity and hope and advantages that come with that responsibility.

With that, Madam Speaker, I yield back the balance of my time, and move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 6406, TRADE LAWS MODIFICATION

Mr. DREIER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1100 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1100

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 6406) to modify temporarily certain rates of duty and make other technical amendments to the trade laws, to extend certain trade preference programs, and for other purposes. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit.

SEC. 2. In the engrossment of the House amendment to the Senate amendment to the bill (H.R. 6111) to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending, the Clerk shall—

(a) add the text of H.R. 6406, as passed by the House, as new matter at the end of such engrossment;

(b) assign appropriate designations to provisions within the engrossment; and

(c) conform provisions for short titles within the engrossment.

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman from California is recognized for 1 hour.

Mr. DREIER. Madam Speaker, I have, for the last time for the next 2 years, called up this resolution, and I will say that for the purpose of debate only I will yield the customary 30 minutes to my very good friend from Fort Lauderdale, Mr. HASTINGS, pending which I yield myself such time as I may consume. And during consideration of this resolution, all time that I will be yielding will be for debate purposes only.

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

Mr. DREIER. Madam Speaker, House Resolution 1100 is a closed rule providing 1 hour of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The rule waives all points of order against consideration of the bill, and also provides for one motion to recommit.

The rule also provides that, in the engrossment of the House amendment to the Senate amendment to the bill (H.R. 6111) to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending the Clerk shall, (a) add the text of H.R. 6406, as passed by House, as new matter at the end of such engrossment; (b) assign appropriate designations to provisions within the engrossment; and (c) conform provisions for short titles within the engrossment.

Madam Speaker, today I rise in strong support of H. Res. 1100 and its underlying legislation, H.R. 6406. While it is important to note that this bill is not a free trade agreement, we have structured a closed rule to mirror the standard procedures afforded to free trade agreements for House consideration.

This past Congress I am very proud, with your work, Madam Speaker, and

the work of many others, we have been able to pass crucial free trade agreements with the countries of Bahrain and Oman as well as the Central American countries and the Dominican Republic. Under this rule, we are continuing this commitment to free trade, and we aim to implement a number of provisions that are critical for advancing our trade agenda and ensuring the continued leadership of the United States economy in the worldwide marketplace. First, we would grant Vietnam, Southeast Asia's fasting growing economy, permanent normal trade relations (PNTR), thereby eliminating the annual evaluation of Vietnam's emigration practices under the Jackson-Vanik provision.

It is important to clarify what PNTR is and what it is not. First of all, as I said, PNTR is not a free trade agreement. Though I would be the first to support an FTA with Vietnam, the issue we are debating today is not a special trading relationship between the United States and Vietnam. It would simply grant what is known as a normal trade relationship.

Normalizing trade with Vietnam is an important step towards enhancing our ability to engage with Vietnam and encourage continued progress in the areas of economic and political liberalization. A normal trade relationship will not be a panacea or cause an instantaneous eradication of the challenges of human rights violations and other issues that Vietnam faces. But it is both by doing this, we are acknowledging the tremendous progress that has been made and an opportunity for further engagement that will help propel Vietnam forward on the path towards political and economic reform.

Furthermore, granting PNTR for Vietnam is necessary to provide access for American producers and service providers to a market that will soon be open to the rest of the world. Vietnam will accede to the WTO, the World Trade Organization, in just a few weeks, essentially normalizing its trading relationship with the entire globe. If we fail to grant PNTR for Vietnam, we will be putting American businesses and our consumers, the American people, at a competitive disadvantage with our trading partners, all of whom will have access to the market in Vietnam.

By seeking WTO accession, Vietnam has demonstrated its commitment to operate in a rules-based trading system. It has clearly signaled that it wants to be a responsible participant in the global economy, and adhere to the rules that we have all agreed to. Through PNTR, we not only open up new market access, we gain the ability to hold Vietnam accountable for its trading practices.

Many will argue that because Vietnam must still make progress in protecting human rights and ensuring individual freedoms, that we cannot normalize our trade relationship yet. I believe that it is precisely because of the need to focus on improving the human rights situation, on bringing about a full accounting of the POW, MIAs, of dealing with enhancement of the rule of law and political pluralism, that that is exactly why we must do everything we can to expand our engagement. Bringing them in to a rules-based system of international trade will enhance transparency and accountability, and I truly believe will undermine the command-and-control concept that has existed in their government.

This is not a gift to them, Madam Speaker. What we are doing is we are playing a big role in not only enhancing the opportunity for the American people to see our standard of living and quality of life improve because of imports, but also by gaining access to their market and thereby improving the standard of living and the quality of life for the people of Vietnam. Giving them a place in the international community will increase the pressure that they feel to live up to international norms.

As I said, a great deal of progress has already been made on the part of the Vietnamese Government. Refusing to engage in a normalized trade relationship is not the way to encourage continuation of this progress that we have already seen.

Now, Madam Speaker, additionally, this bill includes an extension of the Andean preference program which expires in just a few weeks, on December 31. This program provides an incentive for U.S. companies to invest in the politically and economically fragile Andean region. Creating lawful economic activity has been critical to efforts to divert illegal coca manufacturing towards legitimate industries, especially in some of the most egregious drug trafficking countries.

And at the same time, these preferences encourage the Andean countries to pursue more permanent, two-way free trade agreements with the United States which will help to solidify our economic and political relationship with that very important region right in our back yard.

Madam Speaker, the underlying legislation would extend these programs temporarily, but require full cooperation in the free trade arrangement negotiating process in order to continue them beyond a 6-month period.

□ 1630

What I am saying is in the first 6 months, there obviously are standards that must be met, requirements that must be met, and then we must continue in the FTA negotiations. By taking this approach, we maintain the economic benefits that the preference program has brought, while at the same time we provide a powerful incentive to move toward greater economic engagement.

Madam Speaker, this bill goes further in addition by including provisions regarding the Haitian Hemispheric Opportunity through Partnership Encouragement, or the so-called HOPE Act, which provides important tax credits for new U.S. labor and capital investments in eligible countries in the Caribbean region.

This program will not only advance U.S. textile interests, but provide critical assistance and opportunities for the people in this region, again, right in our backyard, not on the other side of the world.

Madam Speaker, with that I again urge my colleagues to support this very fair rule that allows us to bring up this important underlying legislation which deserves strong bipartisan support.

I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume.

Let me first thank the distinguished Chair of the House Rules Committee, my very good friend, Mr. DREIER, for yielding me the time. As a point of personal privilege, Madam Speaker, let me take a moment to commend Chairman DREIER for his able stewardship of the Rules Committee over these past several years.

I consider David to have been, on balance, a very good chairman. He certainly is an institutionalist and someone who clearly understands the role of the United States and the United States Congress in the world today. He was given the challenge of running the Rules Committee at a particularly difficult juncture in congressional history.

David, it has been a pleasure to work with you, to travel with you, and to learn from you. I look forward to our continued work together, albeit with slightly different roles in the future.

Madam Speaker, as Chairman DREIER has already pointed out, this is a comprehensive and massive trade bill that is being brought to the House floor today. It was introduced in the House within the past few hours, and we are asked to vote on it shortly. I seriously doubt that most Members have read this bill. Okay, maybe Chairman THOMAS and Mr. RANGEL. Others? Not really, not a chance.

In some respects, this was a troubling pattern in the Congress, which I hope will end tomorrow. As I have said multiple times this year, it is my great hope that this type of legislating will end at the close of this year.

Now, within this massive bill are provisions that are both positive and negative. If this bill was split into four or six separate bills, I suspect I would find myself voting against three or five of the individual pieces of legislation. But I don't have that opportunity because, once again, the outgoing leadership has closed down the process in the hopes of squelching democracy here in the people's House.

Despite my serious misgivings about several portions of this bill, I may wind up supporting it for the sections that deal with our Caribbean neighbor to the immediate south.

The major focus of this bill, as it relates to the people of south Florida and of the 23rd Congressional District, which I am privileged to represent, is the investment it makes in Haiti. The truth is, Madam Speaker, this Congress and this administration and the previous administration has had a dismal record as it relates to helping one of the most beleaguered nations in our hemisphere. This bill takes a step, albeit a small step, in helping our brothers and sisters in Haiti begin to take control of their economy, take control of their livelihoods and, hopefully, their circumstances.

It is not a panacea, far from it. But it is, in my view, a step in the right direction. One of the key provisions of the Haitian Hemispheric Opportunity Through Partnership Encouragement, as it is referred to as the HOPE Act, will be that it provides new duty free, quota-free access to the U.S. market for apparel made in Haiti.

This has a two-fold benefit. One, it should, over time, allow businesses in Haiti to flourish and build a stable economy and lead to a more stable democracy; and, two, it will also help to lessen the massive trade imbalance we currently owe to China.

Madam Speaker, as the incoming chairman of the House Ways and Means committee, my good friend, CHARLIE RANGEL, has recently said Haiti and its fledgling democracy stand at critical crossroads. This is a key moment in the relationship between the United States and Haiti.

In order to capitalize on this moment, Haiti needs to be able to create sustained economic opportunity for its citizens. The provisions of this section of the bill can and likely will go a long way to fulfilling the U.S. part of this commitment.

As I said, Madam Speaker, this is not a perfect bill, and it certainly is not a perfect process. But this is what we have to work with today, and I may support this bill, warts and all, because of what it may do for the future of Haiti and its citizens who are desperately in need of support from the United States and other donor countries.

Madam Speaker, I reserve the balance of my time.

Mr. DREIER. Madam Speaker, let me begin by expressing my appreciation for my very good friend, Mr. HASTINGS, for his kind words and I look forward to working with him and Mrs. SLAUGHTER. We don't know all the other new members of the Rules Committee who will be joining us, but we look forward to working in a bipartisan way to address the many challenges the United States of America faces.

Mr. HASTINGS and I are in agreement on our quest to try to make sure that we implement this very important legislation. It does touch a number of areas, but as I said, it reaffirms our very strong commitment to doing all that we can, all that we can to expand the cause of freedom and the recognition of the interdependence of economic and political liberalization.

I was just talking to one of my colleagues a few minutes ago, Madam Speaker, and he made the statement to me that he is concerned about the Vietnam agreement because we should not be engaging with a communist country.

I think it is for that precise reason that we have what to me is an authoritarian dictatorship in Vietnam. I believe that by tying their hands, forcing them to live with a rules-based trading system, by doing everything that we can to bring them, as I said in my statement, into a world trade community, they will be able to have to comply with international norms, and there will be greater transparency and disclosure, so that the horrendous human rights issues that we have seen can more readily be addressed.

I am one who has believed at my core that trade promotes private enterprise, which creates wealth, which improves living standards, which undermines political oppression. If one looks at the last two decades of our Nation's history, we found countries with authoritarian dictatorships where we have maintained strong economic engagement, and, in so doing, we have been able to bring about the kind of political reform that I believe to be essential.

Two instances in this hemisphere alone, Venezuela and Chile, these are two countries which have had oppressive dictatorships. Yet through the decades of the 1980s, we maintained strong economic engagement with them. What has happened? Well, we have seen blossoming, strong political liberalization and the building of democracies in those nations, the recognition of the rule of law.

Similarly, if we shift to Asia, shift to Asia and look at countries like South Korea and Taiwan, places where we saw authoritarian dictatorships for many, many years and we as a Nation, under the leadership of Ronald Reagan and George H.W. Bush maintained strong economic ties with those countries, what has happened? Well, we see vibrant, growing democracies, both on Taiwan and on South Korea.

Now, I believe similarly that doing the kinds of things that can help us in the recognition of the importance of improving human rights, the importance of dealing with the violations of international norms that we have observed in Vietnam, we all acknowledge them. I served for years as a member of the POW/MIA Task Force. I made several trips to Vietnam in our quest to bring about a resolution on that. We continue today to be committed to this. I believe that our bringing Vietnam into this international norm, the trading status, will help us resolve these very, very important issues.

Another question that came forward was the deleterious impact this could potentially have on the textile industry here in the United States as it relates to India, as it relates to Haiti. I know there has been some concern raised about ATPA, the Andean Trade Preference Status.

Madam Speaker, I think it is important for us to recognize that change is inevitable. I am one who believes passionately in what is known as the ''economic theory of comparative advantage.'' We do what we do best, and others will do what they do best.

Madam Speaker, it is in our interest to see a strong, growing, global economy. It is also in our interest to do everything we can within our own hemisphere to ensure that we can compete globally. By proceeding with our focus on the Andean region, as we deal with the scourge of illicit drugs, as we deal with the economic devastation in Haiti, and I am very proud of the fact that the House Democracy Assistance Commission, that my colleague, DAVID PRICE and I have worked on, are focusing on building the parliament in Haiti, that our doing what they can there to enhance that political pluralism will be very important, very important for the stability of this hemisphere. I believe it will be very important for the consumers of the United States of America as well.

While this isn't a perfect measure, frankly, I wish we could do more, I wish we could immediately pass the FTAs with Peru, Colombia and we look forward to the South Korea FTA. I mean, I can go to other parts of the world. I very much want us to see more and more of these. I know come June we will see the expiration of trade promotion authority.

I see my very good friend from Virginia (Mr. MORAN), and he and I worked very closely on the issue of trying to enhance our opportunity, on trying to embark on more negotiations for FTAs. I believe it is imperative for us.

Madam Speaker, as I listen to many people decry the notion of trade and talk about the devastation that it has wrought to the U.S. economy, I remind them that just yesterday we got a near record report of a drop in jobless claims. We have a 4.6 percent unemployment rate, near record low.

We have a very strong GDP growth rate. We want it to be stronger, not quite as strong for this quarter as it has been in the past, but it still is strong GDP growth. I believe that has come, in large part, due to our strong commitment to the global leadership role.

If we as a Nation, if we don't lead globally, we will see others take that lead. What we are going to be voting on later today is very important in our quest to do that.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I yield 4½ minutes to my friend, the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I want to thank the gentleman; I want to thank Chairman DREIER.

Madam Speaker, I think it is important to concede that it is possible to be in favor of trade, but at the same time be very concerned about the rules which attend a trade, about the structures that are set up to facilitate trade that may not take into account the rights of people, the rights of workers.

Mr. Speaker, the bill before us might have Vietnam in its name, but it is a hodgepodge collection of an agenda impacting Africa, Haiti, as well as Vietnam.

□ 1645

If we wanted to raise wages around the world, improve the livelihoods of a majority of citizens, we wouldn't send them on a global race to the bottom. That is precisely what this bill does.

Let me talk about Vietnam. A lot of us feel very badly about the legacy of the U.S. war in Vietnam. We feel badly about the napalm and carpet-bombing and the damage that was done to the lives of innocent people. We feel we should do something positive for the people of Vietnam. And I agree. We will have a moral obligation to the people of Vietnam far into the future.

But foisting the rules of globalization on the Vietnamese people is no gift. Let us remember that NAFTA was no gift to the Mexican farmers, who lost their markets and their livelihoods and who are poorer now after NAFTA than they were before NAFTA.

This bill is no gift. The global experience of developing countries with WTO rules provides a warning. During the WTO decade of 1995 to 2005, the number and percentage of people living on less than $2 a day has jumped in South Asia, sub-Saharan Africa, Latin America, the Middle East and the Caribbean. The rate of worldwide poverty reduction has slowed.

When you add in the full range of globalization's institutions, the picture gets even bleaker, from the specter of a developing country. Per capita income growth in poor nations declines when they sign up for the structural adjustment policies of the IMF and the World Bank. Per capita growth from 1980 to 2000 fell to half of what occurred between 1960 and 1980, prior to the imposition of the WTO–IMF, or International Monetary Fund, package.

I worry about the damage to the people in Vietnam if this permanent trade agreement passes. As poor as that country is, it actually has a lot more to lose. This permanent trade agreement we are talking about, here is what it could cause. It could cause millions of peasants to be thrown off their land as agricultural supports are withdrawn. It can cause millions of workers to lose their jobs as state enterprises wither in the face of foreign competition or downsize and speed up operations in an effort to stay competitive.

As a result of these and other factors, there will be a surge in income and wealth inequality, exacerbating dangerous trends already underway. Foreign tobacco companies will gain greater access to the Vietnamese market, which almost certainly means there will be a rise in smoking rates among women and children and may result in millions of excess tobacco-related deaths.

The U.S. balance of trade with Vietnam has already gone from a surplus in 1993 to a deficit of over $5 billion. As Chinese manufacturers move south to Vietnam in search of even cheaper labor, more and more exports will come from Vietnam to the United States, and more and more jobs in the United States will disappear.

Haven't we learned enough about the folly of the World Trade Organization? Haven't we lost enough good-paying jobs? Haven't we learned that the U.S. cannot for long be the world's biggest market and biggest consumer if our people are not making wealth through manufacturing?

What will have to happen for us to learn that we cannot sustain trade deficits forever? The U.S. is borrowing almost $800 billion per year from the international community. That is the trade deficit. One day, our Chinese, British, German, Canadian and Vietnamese creditors will want a say in U.S. economic policies, and that is not going to be in the interests of U.S. workers. Vote ''no'' on H.R. 6346.

Mr. DREIER. Madam Speaker, being the eternal optimist that I am, I will put my friend from Ohio (Mr. KUCINICH) in the ''undecided'' column on this.

Pending that, I am happy to yield 5 minutes to my very good friend, the former mayor of Alexandria, Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the chairman of the Rules Committee, my friend, Mr. DREIER.

I am a cosponsor of this legislation because I do agree with the premise, as articulated by Mr. DREIER, that trade liberalization inevitably does lead to political and social liberalization. We tried the other approach in Vietnam and we lost 58,000 people and have very little to show for it. But it doesn't mean that we are going to look the other way when human rights are being violated. In fact, this gives us more ability to intervene and to protect American citizens and Vietnamese citizens.

Let me give you an example. There is a gentleman by the name of Hoan Nguyen. He has been a United States citizen for over 30 years. He has been on the Board of Visitors of George Mason University for 5 years. He is an internationally recognized humanitarian and educator.

He went to Vietnam to open the Hanoi International School for the children of diplomats and corporate executives because he wanted to help his native country to develop and to grow. But under the current regime, without this trade agreement, he is required to accept a local partner that the Vietnamese Government assigns him.

Well, this school worked and it began to make money, and so he started to pay off his American investors who had invested in the school. The local partner, with the assistance of Vietnamese officials, decided they wanted to seize the school. What they did was to arrest Mr. Hoan Nguyen. He is now in prison, without charges, without evidence, without the ability to consult his lawyer, without trial. He can't have an American lawyer.

His wife, with the help and advice of the U.S. Embassy, paid $85,000 in bail for his release on October 14, 2006. The government took the money and wouldn't release him. Now they want more money. It is pure extortion. She can't pay it, and she shouldn't. It is a brazen attempt to take over this school.

Now, my constituents who know Hoan Nguyen say the answer is to defeat the Vietnam Trade Agreement. I think the answer is just the opposite, because that is the kind of situation that exists today for every American investor. It won't exist when we have the kind of transparency that is guaranteed through this agreement.

What we are trying to get is the protection of commercial transactions, the protection of money that is invested in Vietnam. This is a quid pro quo, and there are a lot of Vietnamese Communist officials who are very uneasy about what this will require. They should be uneasy, because we won't allow this kind of situation to continue to occur.

This situation is not fair, in Vietnam or in any authoritarian Communist countries. China is not dissimilar from Vietnam. But the answer is not to engage militarily and I don't think the answer is to turn our back.

The answer is to change the situation, peacefully, diplomatically, legally. And that is what these trade agreements are all about: sitting down, negotiating; coming up with requirements for transparency; coming up with the ability to get insurance, with the ability to protect your investment, with the ability to take your case to court and have a fair trial, to introduce justice into these authoritarian systems.

Now, it is going to be slow, it is going to be frustrating, but it has got to be the way we go in the 21st century. We have got to engage with our competitors, even our former enemies, in this global economy, and this I think is the appropriate way to do so.

I would urge a ''yes'' vote on this trade agreement.

Mr. HASTINGS of Washington. Madam Speaker, I am very pleased to yield 3 minutes to my good friend the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Madam Speaker, I want to particularly thank my colleague from the State of Florida for the time.

Madam Speaker, I rise to oppose the rule for consideration of H.R. 6346 because under today's marshal law and the closed rule before us, no amendments were made in order.

I oppose this legislation, and I particularly want to reference a provision which allows the administration to revoke India's competitive need limitations waivers on certain items after 6 months. Although India continues its economic development, the vast majority of Indians are still desperately poor. The GSP program has become very important to India's smaller businesses, such as the jewelry industry.

Approximately 325,000 workers employed by the Indian jewelry industry, many of whom are from the countryside and are extremely poor, depend on GSP benefits. By providing alternative employment opportunities, the jewelry industry is helping to address the challenges India faces with increasing unemployment and desperation in rural areas, particularly for vulnerable populations such as women and low-skilled workers. It has afforded workers and their families access to basic necessities, such as basic education and health care.

From a development standpoint, restricting GSP benefits for India would have an adverse effect on this progress. These workers will simply lose their jobs, putting a tremendous burden on them and their families.

In addition, India is an important source of diamond jewelry to American jewelers today. Revoking these benefits would significantly increase the cost of many jewelry products for jewelers and their customers here, causing real harm to the industry in the United States.

The contention for revoking these benefits is to allow smaller GSP beneficiary countries to develop this industry. However, it would not increase sourcing from these lesser-developed countries or from domestic sources here in the United States. Instead, the U.S. market would simply turn straight to China, which is extremely cost competitive and has a well-established industry.

So I urge the administration to disregard the authority that is given under this bill to revoke India's competitive-need limitations. I hope the President will recognize the importance this program has on India's poor.

Again, I would urge Members to vote ''no'' on the rule and also on the subsequent bill.

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

Mr. HASTINGS of Washington. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I have no further speakers, and I would add further compliments to the final rule that our distinguished chair is bringing to the House as the chair in the majority, and to thank him again for his leadership of the Rules Committee and his friendship as we have progressed along. Having learned the things that I have from him, I am sure now that I will be able to teach him a thing or two in the next majority.

Thank you very much, David, for your friendship.

Madam Speaker, I yield back the balance of my time.

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

Madam Speaker, I, of course, express my great appreciation to my friend from Florida for his very kind words, and I do look forward to learning from him. I see the distinguished future chairman of the Ways and Means Committee here, my very good friend, Mr. RANGEL. We are going to have an interesting 2 years, and it is going to be a different opportunity for all of us.

I just reminded Paul Hayes of the fact that he, 15 years ago, said to me that he looked forward to the day when I would be able to, by direction of the Committee on Rules, call up a resolution for us to consider here on the floor, and I have been able to do that now for 12 years. We have this 2-year intermezzo that we are going to be going through, and I look forward to working in a bipartisan way with my colleagues on a wide range of issues.

I believe that this measure that we are considering right here on our global leadership role is an important bipartisan effort.

Madam Speaker, Mr. RANGEL and I spoke yesterday at length about the need for us to move ahead with our global trade agenda, and I look forward to continuing our effort together. On all of the public policy questions that we will be facing here in this House, I look forward to working with Mrs. SLAUGHTER and Mr. HASTINGS and the other members of the Rules Committee.

On this measure itself, Madam Speaker, I believe that for the cause of freedom, for the cause of our global leadership role, and, as Mr. MORAN said so eloquently, the effort to ensure the rule of law and political pluralism and the building of democratic institutions, this effort to pass these agreements is essential for us. So I urge support for the rule.

□ 1700

Madam Speaker, I yield back the balance of my time and move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Madam 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, this 15-minute vote on adoption of H. Res. 1100 will be followed by a 5-minute vote on suspending the rules on H.R. 5948.

The vote was taken by electronic device, and there were—yeas 207, nays 193, not voting 33, as follows:

[Roll No. 536]

YEAS—207

Akin
Bachus
Baird
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chocola
Clay
Cole (OK)
Conaway
Costa
Crenshaw
Crowley
Cuellar
Culberson
Davis (AL)
Davis (FL)
Davis (KY)
Davis, Tom
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Drake
Dreier
Duncan
Ehlers
Emanuel
Emerson
English (PA)
Eshoo
Everett
Feeney
Ferguson
Flake
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hyde
Inslee
Issa
Istook
Jenkins
Johnson (CT)
Keller
Kennedy (MN)
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kuhl (NY)
LaHood
Larsen (WA)
Latham
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McKeon
McMorris Rodgers
Meeks (NY)
Mica
Moran (VA)
Musgrave
Neugebauer
Northup
Nunes
Nussle
Ortiz
Osborne
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ruppersberger
Ryan (WI)
Schiff
Schwartz (PA)
Schwarz (MI)
Sekula Gibbs
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Simmons
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Stearns
Sullivan
Tanner
Terry
Thomas
Thompson (CA)
Thornberry
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Young (AK)
Young (FL)

NAYS—193

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Becerra
Berry
Bishop (GA)
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown-Waite, Ginny
Capps
Chandler
Cleaver
Clyburn
Coble
Conyers
Cooper
Costello
Cramer
Cummings
Davis (CA)
Davis (IL)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doolittle
Doyle
Edwards
Engel
Etheridge
Farr
Filner
Fitzpatrick (PA)
Forbes
Fortenberry
Foxx
Frank (MA)
Gonzalez
Goode
Gordon
Green, Al
Green, Gene
Grijalva
Hastings (FL)
Hayes
Hefley
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hunter
Inglis (SC)
Israel
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kingston

Kucinich
Langevin
Lantos
Larson (CT)
LaTourette
Lee
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Markey
Marshall
McCarthy
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Regula
Reyes
Rogers (AL)
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schmidt
Scott (GA)
Scott (VA)
Serrano
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Solis
Spratt
Stark
Stupak
Tauscher
Taylor (MS)
Thompson (MS)
Tiahrt
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Westmoreland
Wexler
Wilson (SC)
Wolf
Woolsey
Wu
Wynn

NOT VOTING—33

Baker
Blumenauer
Brown, Corrine
Burton (IN)
Carson
Cubin
Davis, Jo Ann
Evans
Fattah
Ford
Gallegly
Gibbons
Gillmor
Gutierrez
Harman
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kolbe
McCrery
Miller, Gary
Norwood
Otter
Oxley
Paul
Sherwood
Simpson
Strickland
Sweeney
Tancredo
Taylor (NC)
Watson

□ 1729

Messrs. HEFLEY, LoBIONDO, MILLER of Florida, KINGSTON, RYUN of Kansas, GEORGE MILLER of California, MOORE of Kansas, RUSH, Ms. WASSERMAN SCHULTZ, Messrs. VAN HOLLEN, BECERRA, SAXTON, MORAN of Kansas, and Mrs. SCHMIDT changed their vote from ''yea'' to ''nay.''

Mr. CAPUANO changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

BELARUS DEMOCRACY REAUTHORIZATION ACT OF 2006

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 5948, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GALLEGLY) that the House suspend the rules and pass the bill, H.R. 5948, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 397, nays 2, not voting 34, as follows:

[Roll No. 537]

YEAS—397

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sekula Gibbs
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Simmons
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Flake
Kucinich

NOT VOTING—34

Baker
Blumenauer
Brown, Corrine
Burton (IN)
Carson
Cubin
Davis, Jo Ann
Evans
Fattah
Ford
Frank (MA)
Gallegly
Gibbons
Gillmor
Gutierrez
Harman
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kolbe
McCrery
Miller, Gary
Norwood
Otter
Paul
Sherwood
Simpson
Strickland
Sweeney
Tancredo
Taylor (NC)
Watson

□ 1739

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. CORRINE BROWN of Florida. Mr. Speaker, on rollcall Nos. 536 and 537, had I been present, I would have voted ''no'' on 536 and ''yes'' on 537.

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of TEXAS. Mr. Speaker, on rollcall Nos. 536 and 537, had I been present, I would have voted ''no'' on 536 and ''yea'' on 537.

PERSONAL EXPLANATION

Mr. GALLEGLY. Mr. Speaker, I was unable to make the following rollcall votes on December 8, 2006:

H. Res. 1101, Waiving all points of order against the conference report to accompany H.R. 5682 and against its consideration (rollcall vote 529). On agreeing to the resolution, had I been present, I would have voted ''aye.''

H. Res. 1099, Relating to consideration of the bill H.R. 6111 to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending (rollcall vote 530). Had I been present, I would have voted ''aye.''

H. Res. 1088, Expressing support for Lebanon's democratic institutions and condemning the recent terrorist assassination of Lebanese parliamentarian and Industry Minister Pierre Amine Gemayel (rollcall vote 531). On Motion to Suspend the Rules and Agree, I would have voted ''aye.''

H.R. 6111, Markey of Massachusetts Amendment (rollcall vote 532). On the motion to amend the House Amendment to Senate Amendment, I would have voted ''nay.''

H.R. 6111, Tax Relief and Health Care Act (rollcall vote 533). On the Motion to Agree to Senate Amendment with Amendment, I would have voted ''aye.''

H. Res. 1091, Condemning in the strongest terms Iran's commitment to hold an international Holocaust denial conference (rollcall vote 534). On Motion to Suspend the Rules and Agree, as Amended, I would have voted ''aye.''

H.R. 5948, Belarus Democracy Reauthorization Act of 2006 (rollcall vote 537). On Motion to Suspend the Rules and Agree, as Amended, I would have voted ''aye.''

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, due to illness I was regrettably unable to be on the House floor for rollcall votes 529, 530, 531, 532, 533, 534, 535, 536, 537 and 538.

Had I been present I would have voted ''aye'' for rollcall votes 529, 530, 531, 533, 534, 536, and 537; and ''no'' for rollcall vote 532.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following titles:

H.R. 3248. An act to amend the Public health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

TRADE LAWS MODIFICATION

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 1100, I call up the bill (H.R. 6406) to modify temporarily certain rates of duty and make other technical amendments to the trade laws, to extend certain trade preference programs, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 6406 is as follows:

H.R. 6406

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

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

TITLE I—TARIFF PROVISIONS

Sec. 1001. Reference; expired provisions.

Subtitle A—New Duty Suspensions and Reductions

CHAPTER 1—NEW DUTY SUSPENSIONS

Sec. 1111. Diethyl sulfate.
Sec. 1112. Sorafenib.
Sec. 1113. Prohexadione calcium.
Sec. 1114. Methyl methoxy acetate.
Sec. 1115. Methoxyacetic acid.
Sec. 1116. N-Methylpiperidine.
Sec. 1117. Quinclorac technical.
Sec. 1118. Pyridaben.
Sec. 1119. Certain rubber or plastic footwear.
Sec. 1120. Sodium ortho-phenylphenol.
Sec. 1121. Certain chemical.
Sec. 1122. Baypure CX.
Sec. 1123. Isoeicosane.
Sec. 1124. Isododecane.
Sec. 1125. Isohexadecane.
Sec. 1126. Aminoguanidine bicarbonate.
Sec. 1127. o-Chlorotoluene.
Sec. 1128. Bayderm bottom DLV-N.
Sec. 1129. 2,3-Dichloronitrobenzene.
Sec. 1130. 1-Methoxy-2-propanol.
Sec. 1131. Basic Red 1 dye.
Sec. 1132. Basic Red 1:1 dye.
Sec. 1133. Basic Violet 11 dye.
Sec. 1134. Basic Violet 11:1 dye.
Sec. 1135. N-Cyclohexylthiophthalimide.
Sec. 1136. 4,4′-Dithiodimorpholine.
Sec. 1137. Tetraethylthiuram disulfide.
Sec. 1138. Certain tetramethylthiuram disulfide.
Sec. 1139. Certain aerosol valves.
Sec. 1140. 4-Methyl-5-n-propoxy-2,4-dihydro-1,2,4-triazol-3-one.
Sec. 1141. Ethoxyquin.
Sec. 1142. Tricholorobenzene.
Sec. 1143. Benzoic acid, 3,4,5-trihydroxy-, propyl ester.
Sec. 1144. 2-Cyanopyridine.
Sec. 1145. Mixed xylidines.
Sec. 1146. Certain reception apparatus not containing a clock or clock timer, incorporating only AM radio.
Sec. 1147. Pigment Yellow 219.
Sec. 1148. Pigment Blue 80.
Sec. 1149. 1-Oxa-3, 20-diazadispiro-[5.1.11.2] heneicosan-21-one 2,2,4,4-tetramethyl-,hydrochloride, reaction products with epichlorohydrin, hydrolyzed and polymerized.
Sec. 1150. Isobutyl parahydroxybenzoic acid and its sodium salt.
Sec. 1151. Phosphinic acid, diethyl-, aluminum salt.
Sec. 1152. Exolit OP 1312.
Sec. 1153. Sodium hypophosphite.
Sec. 1154. Cyanuric chloride.
Sec. 1155. Certain leather footwear for persons other than men or women.
Sec. 1156. Certain other work footwear.
Sec. 1157. Certain turn or turned footwear.
Sec. 1158. Certain work footwear with outer soles of leather.
Sec. 1159. Certain footwear with outer soles of rubber or plastics and with open toes or heels.
Sec. 1160. Certain athletic footwear.
Sec. 1161. Certain work footwear.
Sec. 1162. Certain footwear.
Sec. 1163. 1-Naphthyl methylcarbamate.
Sec. 1164. Certain 16-inch variable speed scroll saw machines.
Sec. 1165. 3,4-Dimethoxybenzaldehyde.
Sec. 1166. 2-Aminothiophenol.
Sec. 1167. Solvent Red 227.
Sec. 1168. Mixtures of formaldehyde polymer and toluene.
Sec. 1169. 1,2-Bis(3-aminopropyl)ethylenediamine, polymer with N-butyl-2,2,6,6-tetramethyl-4-piperidinamine and 2,4,6-trichloro-1,3,5-triazine.
Sec. 1170. Mixture of barium carbonate, strontium carbonate, calcium carbonate, methoxy-2-propananolacetate-1, for use as emitter suspension cathode coating.
Sec. 1171. Resin cement.
Sec. 1172. Phosphor yox, yttrium oxide phosphor, activated by europium.
Sec. 1173. Phosphor-bag-barium magnesium aluminate phosphor.
Sec. 1174. Yttrium vanadate phosphor.
Sec. 1175. Phosphor scap strontium chloroapatite-europium.
Sec. 1176. Phosphor zinc silicate.
Sec. 1177. Strontium magnesium phosphate-tin doped.
Sec. 1178. Phosphor-yof flu pdr yox; yttrium oxide phosphor, activated by europium.
Sec. 1179. Calcium chloride phosphate phosphor.
Sec. 1180. Ceramic frit powder.
Sec. 1181. Phosphor lite white and phosphor blue halo.
Sec. 1182. Phosphor-sca, strontium halophosphate doped with europium.
Sec. 1183. Phosphor-cool white small particle calcium halophosphate phosphor activated by manganese and antimony.
Sec. 1184. Phosphor lap lanthanum phosphate phosphor, activated by cerium and terbium.
Sec. 1185. Kashmir.
Sec. 1186. Certain articles of platinum.
Sec. 1187. Nickel alloy wire.
Sec. 1188. Titanium mononitride.
Sec. 1189. High accuracy, metal, marine sextants, used for navigating by celestial bodies.
Sec. 1190. Electrically operated pencil sharpeners.
Sec. 1191. Valve assemblies (vacuum relief).
Sec. 1192. Seals, aerodynamic, fireproof.
Sec. 1193. Wing illumination lights.
Sec. 1194. Exterior emergency lights.
Sec. 1195. Magnesium peroxide.
Sec. 1196. Certain footwear other than for men.
Sec. 1197. Grass shears with rotating blade.
Sec. 1198. Cerium sulfide pigments.
Sec. 1199. Kresoxim methyl.
Sec. 1200. 4-piece or 5-piece fireplace tools of iron or steel.
Sec. 1201. RSD 1235.
Sec. 1202. MCPB acid and MCPB sodium salt.
Sec. 1203. Gibberellic acid.
Sec. 1204. Triphenyltin hydroxide.
Sec. 1205. Bromoxynil octonoate.
Sec. 1206. Methyl 3-(trifluoromethyl)benzoate.
Sec. 1207. 4-(Trifluoromethoxy)phenyl isocyanate.
Sec. 1208. 4-Methylbenzonitrile.
Sec. 1209. Diaminodecane.
Sec. 1210. Certain compounds of lanthanum phosphates.
Sec. 1211. Certain compounds of yttrium europium oxide coprecipitates.
Sec. 1212. Certain compounds of lanthanum, cerium, and terbium phosphates.
Sec. 1213. Certain compounds of yttrium cerium phosphates.
Sec. 1214. Canned, boiled oysters, not smoked.
Sec. 1215. Boots.
Sec. 1216. Vinylidene chloride-methyl methacrylate-acrylonitrile copolymer.
Sec. 1217. 1-Propene, 1,1,2,3,3,3-hexafluoro-, oxidized, polymerized, reduced hydrolyzed.
Sec. 1218. 1-Propene,1,1,2,3,3,3-hexafluoro-oxidized, polymerized.
Sec. 1219. 1-Propene, 1,1,2,3,3,3-hexafluoro-, telomer with chlorotrifluoroethene, oxidized, reduced, ethyl ester, hydrolyzed.

Sec. 1220. Infrared absorbing dye.
Sec. 1221. 1,1,2-2-Tetrafluoroethene, oxidized, polymerized.
Sec. 1222. Methoxycarbonyl-terminated perfluorinated polyoxymethylene-polyoxyethylene.
Sec. 1223. Ethene, tetrafluoro, oxidized, polymerized, reduced, decarboxylated.
Sec. 1224. Ethene, tetrafluoro, oxidized, polymerized reduced, methyl esters, reduced, ethoxylated.
Sec. 1225. Oxiranemethanol, polymers with reduced methyl esters of reduced polymerized oxidized tetrafluoroethylene.
Sec. 1226. Ethene, tetrafluoro, oxidized, polymerized reduced, methyl esters, reduced.
Sec. 1227. Certain light-absorbing photo dyes.
Sec. 1228. Certain specialty monomers.
Sec. 1229. Suspension of duty on exoflex F BX7011.
Sec. 1230. Triphenyl phosphine.
Sec. 1231. Certain golf bag bodies.
Sec. 1232. Dichlorprop-p acid, dichlorprop-p dimethylamine salt, and dichlorprop-p 2-ethylhexyl ester.
Sec. 1233. 2,4-db acid and 2,4-db dimethylamine salt.
Sec. 1234. Filament fiber tow of rayon.
Sec. 1235. Parts for use in the manufacture of certain high-performance loudspeakers.
Sec. 1236. Certain plastic lamp-holder housings containing sockets.
Sec. 1237. Certain porcelain lamp-holder housings containing sockets.
Sec. 1238. Certain aluminum lamp-holder housings containing sockets.
Sec. 1239. Certain brass lamp-holder housings containing sockets.
Sec. 1240. Staple fibers of viscose rayon, not carded.
Sec. 1241. Staple fibers of rayon, carded, combed, or otherwise processed.
Sec. 1242. Mini DVD camcorder with 680K pixel CCD.
Sec. 1243. Mini DVD camcorder with 20G HDD.
Sec. 1244. Metal halide lamp.
Sec. 1245. Hand-held electronic can openers.
Sec. 1246. Electric knives.
Sec. 1247. Toaster ovens with single-slot traditional toaster opening on top of oven.
Sec. 1248. Ice shavers.
Sec. 1249. Dual-press sandwich makers with floating upper lid and lock.
Sec. 1250. Electric juice extractors greater than 300 watts but less than 400 watts.
Sec. 1251. Electric juice extractors not less than 800 watts.
Sec. 1252. Open-top electric indoor grills.
Sec. 1253. Automatic drip coffeemakers other than those with clocks.
Sec. 1254. Automatic drip coffeemakers with electronic clocks.
Sec. 1255. Electric under-the-cabinet mounting can openers.
Sec. 1256. Dimethyl malonate.
Sec. 1257. Lightweight digital camera lenses.
Sec. 1258. Digital zoom camera lenses.
Sec. 1259. Color flat panel screen monitors.
Sec. 1260. Color monitors with a video display diagonal of 35.56 cm or greater.
Sec. 1261. Color monitors.
Sec. 1262. Black and white monitors.
Sec. 1263. 6 V lead-acid storage batteries.
Sec. 1264. Zirconyl chloride.
Sec. 1265. Naphthol AS-CA.
Sec. 1266. Naphthol AS-KB.
Sec. 1267. Basic Violet 1.
Sec. 1268. Basic Blue 7.
Sec. 1269. 3-Amino-4-methylbenzamide.
Sec. 1270. Acetoacetyl-2,5-dimethoxy-4-chloroanilide.
Sec. 1271. Phenyl salicylate (benzoic acid, 2-hydroxy-, phenyl ester).
Sec. 1272. Synthetic indigo powder.
Sec. 1273. 1,3,5-Triazine-2,4-diamine, 6-[2-(2-methyl-1H-imidazol-1-yl)ethyl]-.
Sec. 1274. 50/50 Mixture of 1,3,5-triazine-2,4,6(1H,3H,5H)-trione, 1,3,5-tris[(2r)-oxiranylmethyl]- and 1,3,5,-triazine-2,4,6(1H,3H,5H)-trione, 1,3,5-tris[(2s)-oxiranylmethyl]-.
Sec. 1275. 9H-Thioxanthene-2-carboxaldehyde, 9-oxo-, 2-(o-acetyloxime).
Sec. 1276. 1H-Imidazole, 2-ethyl-4-methyl-.
Sec. 1277. 1H-Imidazole-4-methanol, 5-methyl-2-phenyl-.
Sec. 1278. 4-Cyclohexene-1,2-dicarboxylic acid, compd. With 1,3,5-triazine-2,4,6-triamine (1:1).
Sec. 1279. 1,3,5,-Triazine-2,4-diamine, 6-[2-(2-undecyl-1H-imidazol-1-yl)ethyl]-.
Sec. 1280. Certain footwear valued over $20 a pair with coated or laminated textile fabrics.
Sec. 1281. Certain women's footwear with coated or laminated textile fabrics.
Sec. 1282. Certain men's footwear with coated or laminated textile fabrics.
Sec. 1283. Certain men's footwear valued over $20 a pair with coated or laminated textile fabrics.
Sec. 1284. Certain women's footwear valued over $20 a pair with coated or laminated textile fabrics.
Sec. 1285. Certain other footwear valued over $20 a pair with coated or laminated textile fabrics.
Sec. 1286. Certain footwear with coated or laminated textile fabrics.
Sec. 1287. Certain other footwear covering the ankle with coated or laminated textile fabrics.
Sec. 1288. Certain women's footwear covering the ankle with coated or laminated textile fabrics.
Sec. 1289. Certain women's footwear not covering the ankle with coated or laminated textile fabrics.
Sec. 1290. Felt-bottom boots for use in fishing waders.
Sec. 1291. Lug bottom boots for use in fishing waders.
Sec. 1292. Certain parts and accessories for measuring or checking instruments.
Sec. 1293. Certain printed circuit assemblies.
Sec. 1294. Certain subassemblies for measuring equipment for telecommunications.
Sec. 1295. Chloroneb.
Sec. 1296. p-Nitrobenzoic acid (PNBA).
Sec. 1297. Allyl pentaerythritol (APE).
Sec. 1298. Butyl ethyl propanediol (BEP).
Sec. 1299. BEPD70L.
Sec. 1300. Boltorn-1 (bolt-1).
Sec. 1301. Boltorn-2 (bolt-2).
Sec. 1302. Cyclic TMP formal (CTF).
Sec. 1303. DITMP.
Sec. 1304. Polyol DPP (DPP).
Sec. 1305. Hydroxypivalic acid (HPA).
Sec. 1306. TMPDE.
Sec. 1307. TMPME.
Sec. 1308. TMP oxetane (TMPO).
Sec. 1309. TMPO ethoxylate (TMPOE).
Sec. 1310. Amyl-anthraquinone.
Sec. 1311. T-butyl acrylate.
Sec. 1312. 3-Cyclohexene-1-carboxylic acid, 6-[(di-2-propenylamino)carbonyl]-, rel-(1R,6R)-, reaction products with pentafluoroiodoethane-tetrafluoroethylene telomer, ammonium salt.
Sec. 1313. Mixtures of phosphate ammonium salt derivatives of a fluorochemical.
Sec. 1314. 1-(3H)-isobenzofuranone, 3,3-bis(2-methyl-1-octyl-1H-indol-3-yl)-.
Sec. 1315. Mixture of poly[[6-[(1,1,3,3-tetramethylbutyl)amino]-1,3,5-triazine-2,4-diyl] [2,2,6,6-tetramethyl-4-piperidinyl)imino]-1,6-hexanediyl[(2,2,6,6-tetramethyl-4-piperidinyl)imino]]) and bis(2,2,6,6-tetramethyl-4-piperidyl) sebacate.
Sec. 1316. Certain bitumen-coated polyethylene sleeves specifically designed to protect in-ground wood posts.
Sec. 1317. Nylon woolpacks used to package wool.
Sec. 1318. Magnesium zinc aluminum hydroxide carbonate hydrate.
Sec. 1319. C12–18 alkenes.
Sec. 1320. Acrypet UT100.
Sec. 1321. 5-Amino-1-[2,6-dichloro-4-(trifluoromethyl)phenyl]-4-[(1R,S)–(trifluoromethyl)-sulfinyl]-1H-pyrazole-3-carbonitrile (Fipronil).
Sec. 1322. 2,3-Pyridinedicarboxylic acid.
Sec. 1323. Mixtures of 2-amino-2,3-dimethylbutylnitrile and toluene.
Sec. 1324. 2,3-Quinolinedicarboxylic acid.
Sec. 1325. 3,5-Difluoroaniline.
Sec. 1326. Clomazone.
Sec. 1327. Chloropivaloyl chloride.
Sec. 1328. N,N′-Hexane-1,6-diylbis(3-(3,5-di-tert-butyl-4-hydroxyphenylpropionamide)).
Sec. 1329. Reactive Red 268.
Sec. 1330. Reactive Red 270.
Sec. 1331. Certain glass thermo bulbs.
Sec. 1332. Pyriproxyfen.
Sec. 1333. Uniconazole-P.
Sec. 1334. Bispyribac-sodium.
Sec. 1335. Dinotefuran.
Sec. 1336. Etoxazole.
Sec. 1337. Bioallethrin.
Sec. 1338. S-Bioallethrin.
Sec. 1339. Tetramethrin.
Sec. 1340. Tralomethrin.
Sec. 1341. Flumiclorac-pentyl.
Sec. 1342. 1-Propene-2-methyl homopolymer.
Sec. 1343. Acronal-S-600.
Sec. 1344. Lucirin TPO.
Sec. 1345. Sokalan PG IME.
Sec. 1346. Lycopene 10 percent.
Sec. 1347. Mixtures of CAS Nos. 181274–15–7 and 208465–21–8.
Sec. 1348. 2-Methyl-1-[4-(methylthio)phenyl]-2-(4-morpholinyl)–1-propanone.
Sec. 1349. 1,6-Hexanediamine, N,N-bis(2,2,6,6-tetramethyl-4-piperidinyl)-, polymer with 2,4,6-trichloro-1,3,5-triazine, reaction products with n-butyl-1-butanamine and N-butyl-2,2,6,6-tetramethyl-4-piperidinamine.
Sec. 1350. Vat Black 25.
Sec. 1351. Acid Orange 162.
Sec. 1352. Methyl salicylate.
Sec. 1353. 1,2-Octanediol.
Sec. 1354. Menthone glycerin acetal.
Sec. 1355. Pontamine Green 2b.
Sec. 1356. Bayderm bottom 10 UD.
Sec. 1357. Bayderm finish DLH.
Sec. 1358. Levagard DMPP.
Sec. 1359. Bayderm bottom DLV.
Sec. 1360. Certain ethylene-vinyl acetate copolymers.
Sec. 1361. Cyazofamid.
Sec. 1362. Flonicamid.
Sec. 1363. Zeta-cypermethrin.
Sec. 1364. 2-Ethylhexyl 4-methoxycinnamate.
Sec. 1365. Certain flame retardant plasticizers.

Sec. 1366. Baypure DS.
Sec. 1367. Bayowet C4.
Sec. 1368. Certain bicycle parts.
Sec. 1369. Other cycles.
Sec. 1370. Certain bicycle parts.
Sec. 1371. Certain bicycle parts.
Sec. 1372. (2-Chloroethyl)phosphonic acid (Ethephon).
Sec. 1373. Preparations containing, 2-(1-(((3-chloro-2-propenyl)oxy)imino)propyl)–5-(2-(ethylthio)propyl)–3-hydroxy-2-cyclohexene-1-one (Clethodim).
Sec. 1374. Urea, polymer with formaldehyde (pergopak).
Sec. 1375. Ortho nitroaniline.
Sec. 1376. 2,2 -(2,5-thiophenediyl)bis(5-(1,1-dimethylethyl)benzoxazole).
Sec. 1377. Certain chemicals and chemical mixtures.
Sec. 1378. Acid Red 414.
Sec. 1379. Solvent Yellow 163.
Sec. 1380. 4-Amino-3,6-bis[[5-[[4-chloro-6-[methyl[2-(methylamino)–2-oxoethyl]amino]-1,3,5-triazin-2-yl]amino]-2-sulfophenyl]azo]-5-hydroxy-2,7-naphthalenedisulfonic acid, lithium potassium sodium salt.
Sec. 1381. Reactive Red 123.
Sec. 1382. Reactive Blue 250.
Sec. 1383. Reactive Black 5.
Sec. 1384. 5-[(2-Cyano-4-nitrophenyl)azo]-2-[[2-(2-hydroxyethoxy)ethyl]amino]-4-methyl-6-(phenylamino)–3-pyridinecarbonitrile.
Sec. 1385. Cyano[3-[(6-methoxy-2-benzothiazolyl)amino]-1H-isoindol-1-ylidene]-acetic acid, pentyl ester.
Sec. 1386. [(9,10-Dihydro-9,10-dioxo-1,4-anthracenediyl)bis[imino[3-(2-methylpropyl)–3,1-propanediyl]]]bisbenzenesulfonic acid, disodium salt.
Sec. 1387. [4-(2,6-Dihydro-2,6-dioxo-7-phenylbenzo[1,2-b:4,5-b′]difuran-3-yl)phenoxy]-acetic acid, 2-ethoxyethyl ester.
Sec. 1388. 3-Phenyl-7-(4-propoxyphenyl)-benzo[1,2-b:4,5-b′]difuran-2,6-dione.
Sec. 1389. 2-[[[2, 5-Dichloro-4-[(2-methyl-1H-indol-3-yl)azo]phenyl]sulfonyl]amino]-ethanesulfonic acid, monosodium salt.
Sec. 1390. 2,7-Naphthalenedisulfonic acid, 5-[[4-chloro-6-[(3-sulfophenyl)amino]-1,3,5-triazin-2-yl]amino]-4-hydroxy-3-[[4-[[2-(sulfoxy)ethyl]sulfonyl]phenyl]azo]-, sodium salt.
Sec. 1391. 7-[[2-[(Aminocarbonyl)amino]-4-[[4-[4-[2-[[4-[[3-[(aminocarbonyl)amino]-4-[(3,6,8-trisulfo-2-naphthalenyl)azo]phenyl]amino]-6-chloro-1,3,5-triazin-2-yl]amino]ethyl]-1-piperazinyl]-6-chloro-1,3,5-triazin-2-yl]amino]phenyl]azo]-1,3,6-naphthalenetrisulfonic acid, lithium potassium sodium salt.
Sec. 1392. 4-[[3-(Acetylamino)phenyl]amino]-1-amino-9,10-dihydro-9,10-dioxo-2-anthracenesulfonic acid, monosodium salt.
Sec. 1393. [4-[2,6-Dihydro-2,6-dioxo-7-(4-propoxyphenyl)benzo[1,2-b:4,5-b]difuran-3-yl]phenoxy]-acetic acid, 2-ethoxyethyl ester.
Sec. 1394. Basic Yellow 40 chloride based.
Sec. 1395. Direct Yellow 119.
Sec. 1396. Naugard 412s.
Sec. 1397. Triacetonamine.
Sec. 1398. Ipconazole.
Sec. 1399. Omite tech.
Sec. 1400. Pantera technical.
Sec. 1401. p-Toluenesulfonyl chloride.
Sec. 1402. Preformed pellets of a mixture of sodium iodide, thallium iodide, dysprosium tri-iodide, holmium tri-iodide, thulium tri-iodide, and sometimes calcium iodide.
Sec. 1403. p-Aminobenzamide (4-aminobenzamide).
Sec. 1404. p-Chloroaniline.
Sec. 1405. 4-Chloro-2-nitroaniline.
Sec. 1406. o-Chloro-p-toluidine (3-chloro-4-methylaniline).
Sec. 1407. 2-Chloroacetoacetanilide.
Sec. 1408. p-Acetoacetanisidide.
Sec. 1409. 1-Hydroxy-2-naphthoic acid.
Sec. 1410. Pigment Green 7 crude, not ready for use as a pigment.
Sec. 1411. 1,8-Naphthalimide (1H-benz[de]isoquinoline-1,3(2H)-dione).
Sec. 1412. Diisopropyl succinate.
Sec. 1413. 2,4-Di-tert-butyl-6-(5-chlorobenzotriazol-2-yl)phenol.
Sec. 1414. Direct Black 22.
Sec. 1415. Methylene bis-benzotriazolyl tetramethylbutylphenol.
Sec. 1416. Bis-ethylhexyloxyphenol methoxyphenol triazine.
Sec. 1417. Reactive Orange 132.
Sec. 1418. Acid Black 244.
Sec. 1419. Certain cores used in remanufacture.
Sec. 1420. ADTP.
Sec. 1421. DCBTF.
Sec. 1422. Noviflumuron.
Sec. 1423. Parachlorobenzotrifluoride.
Sec. 1424. Mixtures of insecticide.
Sec. 1425. Mixture of fungicide.
Sec. 1426. 1,2-Benzisothiazol-3(2H)-one.
Sec. 1427. Styrene, ar-ethyl-, polymer with divinylbenzene and styrene (6CI) beads with low ash.
Sec. 1428. Mixtures of fungicide.
Sec. 1429. 2-Methyl-4-chlorophenoxy-acetic acid, di-methylamine salt.
Sec. 1430. Charge control agent 7.
Sec. 1431. Pro-jet Black 820 liquid feed.
Sec. 1432. Pro-jet Magenta M700.
Sec. 1433. Pro-jet Fast Black 287 NA liquid feed.
Sec. 1434. Pro-jet Fast Black 286 stage.
Sec. 1435. Pro-jet Cyan 485 stage.
Sec. 1436. Pro-jet Black 661 liquid feed.
Sec. 1437. Pro-jet Black Cyan 854 liquid feed.
Sec. 1438. Erasers.
Sec. 1439. Artificial flowers.
Sec. 1440. Suspension system stabilizer bars.
Sec. 1441. Rattan webbing.
Sec. 1442. Tractor body parts.
Sec. 1443. AC electric motors of an output exceeding 74.6 W but not exceeding 85 W.
Sec. 1444. AC electric motors of an output exceeding 74.6 W but not exceeding 105 W.
Sec. 1445. AC electric motors of an output exceeding 74.6 W but not exceeding 95 W.
Sec. 1446. Certain AC electric motors.
Sec. 1447. Viscose rayon yarn.
Sec. 1448. Certain twisted yarn of viscose rayon.
Sec. 1449. Allyl ureido monomer.
Sec. 1450. Synthetic elastic staple fiber.
Sec. 1451. Certain fiberglass sheets.
Sec. 1452. Halophosphor calcium diphosphate.
Sec. 1453. Certain rayon staple fibers.
Sec. 1454. Synthetic quartz or fused silica photomask substrates.
Sec. 1455. Certain integrated machines for manufacturing pneumatic tires.
Sec. 1456. Tramway cars.
Sec. 1457. Certain artificial filament single yarn (other than sewingthread).
Sec. 1458. Certain electrical transformers rated at 25VA.
Sec. 1459. Certain electrical transformers rated at 40VA.

CHAPTER 2—REDUCTIONS

Sec. 1461. Floor coverings and mats of vulcanized rubber.
Sec. 1462. Manicure and pedicure sets.
Sec. 1463. Nitrocellulose.
Sec. 1464. Sulfentrazone technical.
Sec. 1465. Clock radio combos.
Sec. 1466. Thiamethoxam technical.
Sec. 1467. Staple fibers of viscose rayon, not carded, combed, or otherwise processed for spinning.
Sec. 1468. Certain men's footwear covering the ankle with coated or laminated textile fabrics.
Sec. 1469. Certain footwear not covering the ankle with coated or laminated textile fabrics.
Sec. 1470. Acrylic or modacrylic synthetic staple fibers, not carded, combed, or otherwise processed for spinning.
Sec. 1471. Certain women's footwear.
Sec. 1472. Numerous other seals made of rubber or silicone, and covered with, or reinforced with, a fabric material.
Sec. 1473. Tetrakis.
Sec. 1474. Glycine, N,N-bis[2-hydroxy-3-(2-propenyloxy)propyl]-, monosodium salt, reaction products with ammonium hydroxide and pentafluoroiodoethane-tetrafluoroethylene telomer.
Sec. 1475. Diethyl ketone.
Sec. 1476. Acephate.
Sec. 1477. Flumioxazin.
Sec. 1478. Garenoxacin mesylate.
Sec. 1479. Butylated hydroxyethylbenzene.
Sec. 1480. Certain automotive catalytic converter mats.
Sec. 1481. 3,3′-Dichlorobenzidine dihydrochloride.
Sec. 1482. TMC114.
Sec. 1483. Biaxially oriented polypropylene dielectric film.
Sec. 1484. Biaxially oriented polyethylene terephthalate dielectric film.
Sec. 1485. Certain bicycle parts.
Sec. 1486. Certain bicycle parts.
Sec. 1487. Bifenthrin.
Sec. 1488. Reduced Vat 1.
Sec. 1489. 4-Chlorobenzonitrile.
Sec. 1490. Nail clippers and nail files.
Sec. 1491. Electric automatic shower cleaners.
Sec. 1492. Mesotrione technical.
Sec. 1493. Certain crank-gear and other bicycle parts.

Subtitle B—Existing Suspensions and Reductions

Sec. 1501. Extensions of existing suspensions and other modifications.

Subtitle C—Effective Date

Sec. 1511. Effective date.

TITLE II—RELIQUIDATIONS

Sec. 2001. Reliquidation of certain entries of certain small diameter carbon and alloy seamless standard, line and pressure pipe from Romania.
Sec. 2002. Certain entries of pasta.
Sec. 2003. Clarification of reliquidation provision.
Sec. 2004. Reliquidation of certain drawback claim.
Sec. 2005. Payment of interest on amounts owed pursuant to reliquidation of certain entries.

TITLE III—TECHNICAL CORRECTIONS AND OTHER PROVISIONS

Subtitle A—Technical corrections

Sec. 3001. Amendments to the HTS.

Sec. 3002. Technical correction to the Tariff Act of 1930.
Sec. 3003. Amendments to the Pension Protection Act of 2006.
Sec. 3004. NMSBA.
Sec. 3005. Certain monochrome glass envelopes.
Sec. 3006. Flexible magnets and composite goods containing flexible magnets.
Sec. 3007. Cellar treatment of wine.

Subtitle B—Other Provisions

Sec. 3011. Consideration of certain civil actions delayed because of the terrorist attacks of September 11, 2001.
Sec. 3012. Effective date of modifications to the Harmonized Tariff Schedule.

TITLE IV—EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO THE PRODUCTS OF VIETNAM

Sec. 4001. Findings.
Sec. 4002. Termination of application of title IV of the Trade Act of 1974 to Vietnam.
Sec. 4003. Procedure for determining prohibited subsidies by Vietnam.
Sec. 4004. Consultations upon initiation of investigation.
Sec. 4005. Public participation and consultation.
Sec. 4006. Arbitration and imposition of quotas.
Sec. 4007. Definitions.

TITLE V—HAITI

Sec. 5001. Short title.
Sec. 5002. Trade benefits for Haiti.
Sec. 5003. ITC study.
Sec. 5004. Sense of Congress on interpretation of textile and apparel provisions for Haiti.
Sec. 5005. Technical amendments.
Sec. 5006. Effective date.

TITLE VI—AFRICAN GROWTH AND OPPORTUNITY ACT

Sec. 6001. Short title.
Sec. 6002. Preferential treatment of apparel products of lesser developed countries.
Sec. 6003. Technical corrections.
Sec. 6004. Effective date for AGOA.

TITLE VII—ANDEAN TRADE PREFERENCE ACT

Sec. 7001. Short title.
Sec. 7002. ATPA extension.
Sec. 7003. Technical amendments.

TITLE VIII—GENERALIZED SYSTEM OF PREFERENCES (GSP) PROGRAM

Sec. 8001. Limitations on waivers of competitive need limitation.
Sec. 8002. Extension of GSP program.

TITLE I—TARIFF PROVISIONS

SEC. 1001. REFERENCE; EXPIRED PROVISIONS.

(a) REFERENCE.—Except as otherwise expressly provided, whenever in this title, title II, and title III an amendment or repeal is expressed in terms of an amendment to, or repeal of, a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision, the reference shall be considered to be made to a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007).

(b) EXPIRED PROVISIONS.—Subchapter II of chapter 99 is amended by striking the following headings:

9902.05.34
9902.06.01
9902.06.62
9902.08.10
9902.19.80
9902.20.05
9902.21.06
9902.21.42
9902.26.11
9902.28.40
9902.28.94
9902.29.01
9902.29.04
9902.29.05
9902.29.06 (relating to racemic dl-menthol)
9902.29.13
9902.29.14
9902.29.27
9902.29.30
9902.29.31
9902.29.33
9902.29.39
9902.29.40
9902.29.41
9902.29.42
9902.29.47
9902.29.56
9902.29.63
9902.29.68
9902.29.69
9902.29.75
9902.29.76
9902.29.78
9902.29.79
9902.29.84
9902.29.85
9902.29.86
9902.29.88
9902.29.92
9902.29.94
9902.29.96
9902.29.97
9902.29.99
9902.30.08
9902.30.11
9902.30.13
9902.30.46
9902.32.05
9902.32.06
9902.32.09
9902.32.10
9902.32.15
9902.32.17
9902.32.20
9902.32.23
9902.32.24
9902.32.25
9902.32.44 (relating to CAS No. 201932–24–3)
9902.32.44 (relating to CAS No. 186537–30–4)
9902.32.46
9902.32.50
9902.32.53
9902.32.58
9902.32.59
9902.32.60
9902.32.64
9902.32.65
9902.32.66
9902.32.67
9902.32.80
9902.32.81
9902.32.84
9902.32.86
9902.32.88
9902.32.96
9902.32.98
9902.37.01
9902.37.02
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9902.38.51
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9902.39.07
9902.39.31
9902.39.32
9902.52.01
9902.52.03
9902.70.01
9902.84.00
9902.84.16
9902.84.19
9902.84.30
9902.84.40
9902.84.70
9902.85.00
9902.90.20
9902.98.07

Subtitle A—New Duty Suspensions and Reductions

CHAPTER 1—NEW DUTY SUSPENSIONS

SEC. 1111. DIETHYL SULFATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.01	Diethyl sulfate (CAS No. 64–67–5) (provided for in subheading 2920.90.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1112. SORAFENIB.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.02	4-(4-{3-[4-Chloro-3-(trifluoromethyl) phenyl]ureido}phenoxy)-N-2-methylpyridine-2-carboxamide 4-methylbenzenesulfonate (Sorafenib tosylate) (CAS No. 475207–59–1) (provided for in subheading 2933.39.41)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1113. PROHEXADIONE CALCIUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.03	Prohexadione calcium (calcium 3-oxido-5-oxo-4-propionylcyclohexa-3-enecarboxylate) (CAS No. 127277–53–6) (provided for in subheading 2918.30.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1114. METHYL METHOXYACETATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.04	Methyl methoxyacetate (CAS No. 6290–49–9) (provided for in subheading 2918.90.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1115. METHOXYACETIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.05	Methoxyacetic acid (CAS No. 625–45–6) (provided for in subheading 2918.90.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1116. N-METHYLPIPERIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.06	N-Methylpiperidine (CAS No. 626–67–5) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1117. QUINCLORAC TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.07	3,7-Dichloroquinoline-8-carboxylic acid (Quinclorac) (CAS No. 84087–01–4) (provided for in subheading 2933.49.30)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1118. PYRIDABEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.08	2-Tert-butyl-5-(4-tert-butylbenzylthio)-4-chloropyridazin-3(2H)-one (Pyridaben) (CAS No. 96489–71–3) (provided for in subheading 2933.99.22)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1119. CERTAIN RUBBER OR PLASTIC FOOTWEAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.09	Footwear for persons other than women, with outer soles of leather or composition leather and with uppers of textile materials (provided for in subheading 6404.20.60)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1120. SODIUM ORTHO-PHENYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.10	2-Phenylphenol sodium salt (CAS No. 132–27–4) (provided for in subheading 2907.19.80)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1121. CERTAIN CHEMICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.11	Adsorbent resin comprised of a macroporous polymer of diethenylbenzene (CAS No. 9003–69–4) (provided for in subheading 3911.90.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1122. BAYPURE CX.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.12	Iminodisuccinic acid, triammonium salt, in aqueous solutions (CAS No. 415719–09–04) (provided for in subheading 2922.49.80)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1123. ISOEICOSANE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.13	Isoeicosane (CAS No. 93685–79–1) (provided for in subheading 2710.19.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1124. ISODODECANE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.14	Isododecane (CAS No. 31807–55–3) (provided for in subheading 2710.11.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1125. ISOHEXADECANE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.15	Isohexadecane (CAS No. 60908–77–2) (provided for in subheading 2710.19.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1126. AMINOGUANIDINE BICARBONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.16	Aminoguanidine bicarbonate (CAS No. 2582–30–1) (provided for in subheading 2928.00.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1127. O-CHLOROTOLUENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

“	9902.22.17	2-Chlorotoluene (CAS No. 95–49–8) (provided for in subheading 2903.69.80)	Free	No change	No change	On or before 12/31/2009	
	9902.22.18	Chloromethylbenzene (CAS No. 25168–05–2) (provided for in subheading 2903.69.80)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1128. BAYDERM BOTTOM DLV-N.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.19	Aqueous polyurethane dispersions containing 38 percent to 42 percent solids content of propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl-,polymer with 2-[(2-aminoethyl)amino]ethanesulfonic acid monosodium salt, 1,6-diisocyanatohexane, dimethyl carbonate, 1,2-ethanediamine, 1,6-hexanediol, hydrazine, and α- hydro-ω-hydroxypoly[oxy(methyl-1,2-ethanediyl)], polyethylene-polypropylene glycol monobutyl ether blocked (CAS No. 841251–36–3) (provided for in subheading 3909.50.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1129. 2,3-DICHLORONITROBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.20	2,3-Dichloronitrobenzene (CAS No. 3209–22–1) (provided for in subheading 2904.90.47)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1130. 1-METHOXY-2-PROPANOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.21	1-Methoxy-2-propanol (CAS No. 107–98–2) (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1131. BASIC RED 1 DYE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.22	Basic Red 1 (CAS No. 989–38–8) (provided for in subheading 3204.13.80)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1132. BASIC RED 1:1 DYE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.23	Basic Red 1:1 (CAS No. 3068–39–1) (provided for in subheading 3204.13.80)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1133. BASIC VIOLET 11 DYE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.24	Basic Violet 11 (CAS No. 2390–63–8) (provided for in subheading 3204.13.80)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1134. BASIC VIOLET 11:1 DYE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.25	Basic Violet 11:1 (CAS No. 39393–39–0) (provided for in subheading 3204.13.80)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1135. N-CYCLOHEXYLTHIOPHTHALIMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.26	N-Cyclohexylthiophthalimide (CAS No. 17796–82–6) (provided for in subheading 2930.90.24)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1136. 4,4′-DITHIODIMORPHOLINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.27	4,4′-Dithiodimorpholine (CAS No. 103–34–4) (provided for in subheading 2930.90.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1137. TETRAETHYLTHIURAM DISULFIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.28	Tetraethylthiuram disulfide (CAS No. 97–77–8) (provided for in subheading 2930.30.60)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1138. CERTAIN TETRAMETHYLTHIURAM DISULFIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.29	Tetramethylthiuram disulfide (CAS No. 137–26–8) (provided for in subheading 2930.30.60)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1139. CERTAIN AEROSOL VALVES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.30	Aerosol valves designed to deliver a metered dose (50 microliters) of a pressurized liquid pharmaceutical product, having a mounting cup with inside diameter of 20.1 mm and height (skirt to shoulder) of 7.49 mm with a stem outside diameter of 2.79 mm, with such components of stainless steel and buna rubber and with a retaining cup of aluminum (provided for in subheading 8481.80.30)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1140. 4-METHYL-5-N-PROPOXY-2,4-DIHYDRO-1,2,4-TRIAZOL-3-ONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.31	4-Methyl-5-n-propoxy-2,4-dihydro-1,2,4-triazol-3-one (CAS No. 145027–96–9) (provided for in subheading 2933.99.97)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1141. ETHOXYQUIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.32	Ethoxyquin (1,2-dihydro-6-ethoxy-2,2,4-trimethylquinoline) (CAS No. 91–53–2) (provided for in subheading 2933.49.10)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1142. TRICHOLOROBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.33	1,2,4-Trichlorobenzene (CAS No. 120–82–1) (provided for in subheading 2903.69.10)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1143. BENZOIC ACID, 3,4,5-TRIHYDROXY-, PROPYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.34	Benzoic acid, 3,4,5-trihydroxy-, propyl ester (CAS No. 121–79–9) (propyl gallate) (provided for in subheading 2918.29.75)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1144. 2-CYANOPYRIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.35	2-Cyanopyridine (CAS No. 100–70–9) (provided for in subheading 2933.39.91)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1145. MIXED XYLIDINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.36	Mixed xylidines (CAS No. 1300–73–8) (provided for in subheading 2921.49.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1146. CERTAIN RECEPTION APPARATUS NOT CONTAINING A CLOCK OR CLOCK TIMER, INCORPORATING ONLY AM RADIO.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.37	Radiobroadcast receivers capable of operating without an external source of power, not containing a clock or clock timer in the same housing, each containing only an AM radiobroadcast receiver (provided for in subheading 8527.19.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1147. PIGMENT YELLOW 219.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.38	Pigment Yellow 219 (CAS No. 347174–87–2) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1148. PIGMENT BLUE 80.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.39	Pigment Blue 80 (CAS No. 391663–82–4) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1149. 1-OXA-3, 20-DIAZADISPIRO-[5.1.11.2]-HENEICOSAN-21-ONE, 2,2,4,4-TETRAMETHYL-,HYDROCHLORIDE, REACTION PRODUCTS WITH EPICHLOROHYDRIN, HYDROLYZED, POLYMERIZED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.40	1-Oxa-3,20-diazadispiro-[5.1.11.2]-heneicosan-21-one,2,2,4,4-tetramethyl-,hydrochloride, reaction products with epichlorohydrin, hydrolyzed, polymerized (CAS No. 202483–55–4) (provided for in subheading 3911.90.25)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1150. ISOBUTYL PARAHYDROXYBENZOIC ACID AND ITS SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.41	Isobutyl 4-hydroxybenzoate (CAS No. 4247–02–3) and its sodium salt (CAS No. 84930–15–4) (provided for in subheading 2918.29.65)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1151. PHOSPHINIC ACID, DIETHYL-, ALUMINUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.42	Phosphinic acid, diethyl-, aluminum salt (CAS No. 225789–38–8) (provided for in subheading 2931.00.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1152. EXOLIT OP 1312.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.43	Phosphinic acid, diethyl-, aluminum salt (CAS No. 225789–38–8) with synergists and encapsulating agents (provided for in subheading 3824.90.91)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1153. SODIUM HYPOPHOSPHITE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.44	Sodium hypophosphite monohydrate (CAS No. 10039–56–2) (provided for in subheading 2835.10.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1154. CYANURIC CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.45	Cyanuric chloride (CAS No. 108–77–0) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1155. CERTAIN LEATHER FOOTWEAR FOR PERSONS OTHER THAN MEN OR WOMEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.46	Other footwear with uppers of leather or composition leather, for persons other than for men or women (provided for in subheading 6405.10.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1156. CERTAIN OTHER WORK FOOTWEAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.47	Other work footwear for women, with outer soles and uppers of rubber or plastics, other than house slippers and other than tennis shoes, basketball shoes, gym shoes, training shoes and the like (provided for in subheading 6402.99.18)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1157. CERTAIN TURN OR TURNED FOOTWEAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.48	Turn or turned footwear with outer soles of leather and uppers of leather, other than for men or women (provided for in subheading 6403.59.15)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1158. CERTAIN WORK FOOTWEAR WITH OUTER SOLES OF LEATHER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.49	Footwear with outer soles of leather and uppers of leather, covering the ankle, other than for women (provided for in subheading 6403.51.90)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1159. CERTAIN FOOTWEAR WITH OUTER SOLES OF RUBBER OR PLASTICS AND WITH OPEN TOES OR HEELS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.50	Footwear with outer soles of rubber or plastics and uppers of textile materials other than of vegetable fibers, with open toes or open heels, the foregoing other than house slippers and other than footwear for women (provided for in subheading 6404.19.30)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1160. CERTAIN ATHLETIC FOOTWEAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.51	Footwear with outer soles of leather or composition leather and uppers of textile materials, valued over $2.50 per pair, the foregoing other than for men or women (provided for in subheading 6404.20.40)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1161. CERTAIN WORK FOOTWEAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.52	Work footwear with outer soles of rubber, plastics, leather or composition leather and uppers of leather, not covering the ankle (provided for in subheading 6403.99.60 or 6403.99.90)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1162. CERTAIN FOOTWEAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.53	Footwear with outer soles and uppers of rubber or plastics, incorporating a protective metal toecap, having uppers of which over 90 percent of the external surface area (including any accessories or reinforcements such as those mentioned in note 4(a) to chapter 64) is rubber or plastics (provided for in subheading 6402.30.30)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1163. 1-NAPHTHYL METHYLCARBAMATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.54	1-Naphthyl methylcarbamate (Carbaryl) (CAS No. 63-25-2) (provided for in subheading 2924.29.47)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1164. CERTAIN 16-INCH VARIABLE SPEED SCROLL SAW MACHINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.55	Variable speed scroll sawing machines each having a throat depth of approximately 406 mm, new (provided for in subheading 8465.91.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1165. 3,4-DIMETHOXYBENZALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.56	3,4-Dimethoxybenzaldehyde (CAS No. 120–14–9) (provided for in subheading 2912.49.25)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1166. 2-AMINOTHIOPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.57	2-Aminothiophenol (CAS No. 137–07–5) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1167. SOLVENT RED 227.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.58	Solvent Red 227 (CI 60510) (provided for in subheading 3204.19.25)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1168. MIXTURES OF FORMALDEHYDE POLYMER AND TOLUENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.59	Formaldehyde, polymer with toluene (CAS No. 25155–81–1) (provided for in subheading 3911.90.25)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1169. 1,2-BIS(3-AMINOPROPYL)ETHYLENEDIAMINE, POLYMER WITH N-BUTYL-2,2,6,6-TETRAMETHYL-4-PIPERIDINAMINE AND 2,4,6-TRICHLORO-1,3,5-TRIAZINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.60	1,2-Bis(3-aminopropyl)ethylenediamine, polymer with N-butyl-2,2,6,6-tetramethyl-4-piperidinamine and 2,4,6-trichloro-1,3,5-triazine (CAS No. 136504–96–6) (provided for in subheading 3812.30.60)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1170. MIXTURE OF BARIUM CARBONATE, STRONTIUM CARBONATE, CALCIUM CARBONATE, 1-METHOXY-2-PROPANANOL ACETATE, FOR USE AS EMITTER SUSPENSION CATHODE COATING.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.61	A mixture of barium carbonate, strontium carbonate, calcium carbonate, and 1-methoxy-2-propanol acetate, for use as emitter suspension cathode coating (CAS Nos. 513–77–9, 1633–05–2, 471–34–1, and 108–65–6) (provided for in subheading 3824.90.91)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1171. RESIN CEMENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.62	Resin cement based on calcium carbonate and silicone resins (CAS Nos. 471–34–1 and 68037–83–2) (provided for in subheading 3214.10.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1172. PHOSPHOR YOX, YTTRIUM OXIDE PHOSPHOR, ACTIVATED BY EUROPIUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.63	Yttrium oxide phosphor, activated by europium of a kind used as a luminophore (CAS No. 68585–82–0) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1173. PHOSPHOR-BAG-BARIUM MAGNESIUM ALUMINATE PHOSPHOR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.64	Compound of barium magnesium aluminate phosphor, activated by europium or manganese, of a kind used as luminophores (CAS Nos. 63774–55–0 and 1308–96–9) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1174. YTTRIUM VANADATE PHOSPHOR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.65	Yttrium vanadate phosphor, of a kind used as a luminophore (CAS No. 6874–82–7) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1175. PHOSPHOR SCAP STRONTIUM CHLOROAPATITE-EUROPIUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.66	Compound of strontium chloroapatite-europium, of a kind used as a luminophore (CAS No. 68784–77–0) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1176. PHOSPHOR ZINC SILICATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.67	Phosphor of zinc silicate, of a kind used as a luminophore (CAS No. 68611–47–2) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1177. STRONTIUM MAGNESIUM PHOSPHATE-TIN DOPED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.68	Strontium magnesium phosphate-tin doped inorganic products of a kind used as luminophores (CAS Nos. 1314–11–0, 1314–56–3, 1309–48–4, and 18282–10–5) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1178. PHOSPHOR-YOF FLU PDR YOX; YTTRIUM OXIDE PHOSPHOR, ACTIVATED BY EUROPIUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.69	Yttrium oxide phosphor, activated by europium used as a luminophore (CAS No. 68585–82–0) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1179. CALCIUM CHLORIDE PHOSPHATE PHOSPHOR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.70	Calcium chloride phosphate phosphor activated by manganese and antimony used as a luminophore (CAS No. 75535–31–8) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1180. CERAMIC FRIT POWDER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.71	A mixture of aluminum oxide, calcium oxide, barium oxide, magnesium oxide, boron oxide, butylmethacrylate resin and C.I. Solvent Red 24 used in the manufacture of ceramic arc tubes (CAS Nos. 1344–28–1, 1305–78–8, 1304–28–5, 1309–48–4, 1303–86–2, 9003–63–8, and 85–83–6) (provided for in subheading 3824.90.91)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1181. PHOSPHOR LITE WHITE AND PHOSPHOR BLUE HALO.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.72	Calcium chloride phosphate phosphor used as a luminophore (CAS No. 75535–31–8) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1182. PHOSPHOR-SCA, STRONTIUM HALOPHOSPHATE DOPED WITH EUROPIUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.73	Strontium halophosphate doped with europium used as a luminophore (CAS Nos. 109037–74–3 and 1312–81–8) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1183. PHOSPHOR-COOL WHITE SMALL PARTICLE CALCIUM HALOPHOSPHATE PHOSPHOR ACTIVATED BY MANGANESE AND ANTIMONY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.74	Small particle calcium chloride phosphate phosphor activated by manganese and antimony used as a luminophore (CAS No. 75535–31–8) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1184. PHOSPHOR LAP LANTHANUM PHOSPHATE PHOSPHOR, ACTIVATED BY CERIUM AND TERBIUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.75	Lanthanum phosphate phosphor, activated by cerium and terbium, inorganic used as luminophores (CAS Nos. 13778–59–1, 13454–71–2, and 13863–48–4 or 95823–34–0) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1185. KASHMIR.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

“	9902.22.76	Fine animal hair of Kashmir (cashmere) goats, not processed in any manner beyond the degreased or carbonized condition (provided for in subheading 5102.11.10)	Free	No change	No change	On or before 12/31/2009	
“	9902.22.77	Fine animal hair of Kashmir (cashmere) goats (provided for in subheading 5102.11.90)	Free	No change	No change	On or before 12/31/2009	”.

(b) CONFORMING AMENDMENT.—Subchapter II of chapter 99 is amended by striking headings 9902.51.15 (relating to articles provided for in subheading 5102.11.10) and 9902.51.16 (relating to articles provided for in subheading 5102.11.90).

SEC. 1186. CERTAIN ARTICLES OF PLATINUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.78	Spheres of platinum, containing approximately 18 percent by weight of iridium, of a kind used in manufacturing electrodes for spark plugs (provided for in subheading 7115.90.60)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1187. NICKEL ALLOY WIRE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.79	Cold-formed wire of nickel alloys containing 0.09 percent or more but not more than 1.6 percent by weight of silicon, certified by the importer to be used in the manufacture of spark plug electrodes, the foregoing either round wire measuring 1.7 mm or more but not over 4.9 mm in cross-sectional diameter or flat wire of rectangular cross section measuring 0.9 mm or more but not over 2.2 mm in thickness and 1.7 mm or more but not over 3.3 mm in width (provided for in subheading 7505.22.10)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1188. TITANIUM MONONITRIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.80	Titanium mononitride (CAS No. 25583–20–4) (provided for in subheading 2850.00.07)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1189. HIGH ACCURACY, METAL, MARINE SEXTANTS, USED FOR NAVIGATING BY CELESTIAL BODIES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.81	Marine sextants of metal, designed for use in navigating by celestial bodies (provided for in subheading 9014.80.10)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1190. ELECTRICALLY OPERATED PENCIL SHARPENERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.82	Electrically operated pencil sharpeners (provided for in subheading 8472.90.40)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1191. VALVE ASSEMBLIES (VACUUM RELIEF).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.83	Pedestal assemblies for vacuum relief valves, designed for use in aircraft (provided for in subheading 8481.40.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1192. SEALS, AERODYNAMIC, FIREPROOF.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.84	Seals of polyester fabric bonded over a silicone core, designed for use in airplanes (provided for in subheading 3926.90.00 or 5911.90.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1193. WING ILLUMINATION LIGHTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.85	Wing illumination lights, designed for use on airplanes (provided for in subheading 9405.60.40)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1194. EXTERIOR EMERGENCY LIGHTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.86	Exterior emergency lights, designed for use on airplanes (provided for in subheading 9405.60.40)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1195. MAGNESIUM PEROXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.87	Magnesium peroxide, minimum 25 percent purity (CAS No. 1335–26–8) (provided for in subheading 2816.10.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1196. CERTAIN FOOTWEAR OTHER THAN FOR MEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.88	Footwear, other than for men, with outer soles of leather or composition leather and uppers of textile materials, valued not over $2.50 per pair (provided for in subheading 6404.20.20)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1197. GRASS SHEARS WITH ROTATING BLADE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.89	Grass shears with swiveling heads and with rotating vertical and horizontal cutting blades of steel (provided for in subheading 8201.90.30)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1198. CERIUM SULFIDE PIGMENTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.90	Cerium sulfide pigments (CAS Nos. 12014–93–6 and 12031–49–1) (provided for in subheading 3206.49.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1199. KRESOXIM METHYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.91	Mixtures of methyl (E)-methoxyimino-[α-(o-tolyloxy)-o-tolyl]acetate (Kresoxim methyl) (CAS No. 143390–89–0) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1200. 4-PIECE OR 5-PIECE FIREPLACE TOOLS OF IRON OR STEEL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.92	Packages containing 4 or 5 different fireplace tools, such tools of iron or steel, intended for sale to the ultimate consumer in such packages (provided for in subheading 8205.51.30)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1201. RSD 1235.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.93	3-Pyrrolidinol, 1-[(1R,2R)-2-[2-(3,4-dimethoxyphenyl)ethoxy]cyclohexyl]-,hydrochloride, (3R) (CAS No. 748810–28–8) (provided for in subheading 2933.99.53)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1202. MCPB ACID AND MCPB SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.94	4-(4-Chloro-2-methylphenoxy) butanoic acid (CAS No. 94–81–5); 4-(4-chloro-2-methylphenoxy)butanoic acid, sodium salt (CAS No. 6062–26–6) (provided for in subheading 2918.90.20)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1203. GIBBERELLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.95	Gibberellic acid (GA3) (CAS No. 77–06–5) and a mixture of gibberellin A4 (CAS No. 468–44–0) and gibberellin A7 (CAS No. 510–75–8) (provided for in subheading 2932.29.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1204. TRIPHENYLTIN HYDROXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.96	Triphenyltin hydroxide (CAS No. 76–87–9) (provided for in subheading 2931.00.25)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1205. BROMOXYNIL OCTONOATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.97	3,5-Dibromo-4-hydroxybenzonitrile octonoate (CAS No. 1689–84–5) (provided for in subheading 2926.90.25)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1206. METHYL 3-(TRIFLUOROMETHYL)BENZOATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.98	Methyl 3-(trifluoromethyl)benzoate (CAS No. 2557–13–3) (provided for in subheading 2916.39.45)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1207. 4-(TRIFLUOROMETHOXY)PHENYL ISOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.99	4-(Trifluoromethoxy)phenyl isocyanate (CAS No. 35037–73–1) (provided for in subheading 2929.10.55)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1208. 4-METHYLBENZONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.01	4-Methylbenzonitrile (CAS No. 104–85–8) (provided for in subheading 2926.90.43)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1209. DIAMINODECANE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.02	Diaminodecane (CAS No. 646–25–3) (provided for in subheading 2921.29.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1210. CERTAIN COMPOUNDS OF LANTHANUM PHOSPHATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.03	Lanthanum phosphate (CAS No. 13778–59–1) (provided for in subheading 2846.90.80)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1211. CERTAIN COMPOUNDS OF YTTRIUM EUROPIUM OXIDE COPRECIPITATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.04	Mixtures or coprecipitates of yttrium oxide (CAS No. 1314–36–9) and europium oxide (CAS No. 1308–96–9) having a yttrium oxide content of at least 90 percent (provided for in subheading 2846.90.80)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1212. CERTAIN COMPOUNDS OF LANTHANUM, CERIUM, AND TERBIUM PHOSPHATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.05	Mixtures or coprecipitates of lanthanum phosphate, cerium phosphate, and terbium phosphate (CAS Nos. 13778–59–1, 13454–71–2, and 13863–48–4 or 95823–34–0) (provided for in subheadings 2846.10.00 and 2846.90.80)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1213. CERTAIN COMPOUNDS OF YTTRIUM CERIUM PHOSPHATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.06	Mixtures or coprecipitates of yttrium phosphate (CAS No. 13990–54–0) and cerium phosphate (CAS No. 13454–71–2) (provided for in subheadings 2846.10.00 and 2846.90.80)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1214. CANNED, BOILED OYSTERS, NOT SMOKED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.07	Oysters (other than smoked), prepared or preserved (provided for in subheading 1605.90.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1215. BOOTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.08	Boots constructed by hand of natural rubber, the foregoing with steel toes and incorporating ballistic nylon for cut protection, with self-cleaning lug soles or with ‘‘caulked’’ soles for slip and fall protection (provided for in subheading 6401.10.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1216. VINYLIDENE CHLORIDE-METHYL METHACRYLATE-ACRYLONITRILE COPOLYMER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.09	Vinylidene chloride-methyl methacrylate-acrylonitrile copolymer (CAS No. 25214–39–5) (provided for in subheading 3904.50.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1217. 1-PROPENE, 1,1,2,3,3,3-HEXAFLUORO-, OXIDIZED, POLYMERIZED, REDUCED HYDROLYZED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.10	1-Propene, 1,1,2,3,3,3-hexafluoro-, oxidized, polymerized, reduced hydrolyzed (CAS No. 161075–14–5) (provided for in subheading 3907.20.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1218. 1-PROPENE,1,1,2,3,3,3-HEXAFLUORO-, OXIDIZED, POLYMERIZED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.11	1-Propene, 1,1,2,3,3,3-hexafluoro-, oxidized, polymerized (CAS No. 69991–67–9) (provided for in subheading 3907.20.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1219. 1-PROPENE, 1,1,2,3,3,3-HEXAFLUORO-, TELOMER WITH CHLOROTRIFLUOROETHENE, OXIDIZED, REDUCED, ETHYL ESTER, HYDROLYZED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.12	1-Propene, 1,1,2,3,3,3,-hexafluoro-, telomer with chlorotrifluoroethene, oxidized, reduced, ethyl ester, hydrolyzed (CAS No. 220182–27–4) (provided for in subheading 3907.20.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1220. INFRARED ABSORBING DYE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.13	1H-Benz[e]indolium, 2-[2-[2-chloro-3-[(1,3-dihydro-1,1,3-trimethyl-2H-benz[e]indol-2-ylidene)ethylidene]-1-cyclohexen-1-yl]ethenyl]-1,1,3-trimethyl-, salt with 4-methylbenzenesulfonic acid (1:1) (CAS No. 134127–48–3) (provided for in subheading 2934.99.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1221. 1,1,2-2-TETRAFLUOROETHENE, OXIDIZED, POLYMERIZED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.14	1,1,2-2-Tetrafluoroethene, oxidized, polymerized (CAS No. 69991–61–3) (provided for in subheading 3907.20.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1222. METHOXYCARBONYL-TERMINATED PERFLUORINATED POLYOXYMETHYLENE-POLYOXYETHYLENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.15	Methoxycarbonyl-terminated perfluorinated polyoxymethylene-polyoxyethylene (CAS No. 107852–49–3) (provided for in subheading 3907.20.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1223. ETHENE, TETRAFLUORO, OXIDIZED, POLYMERIZED, REDUCED, DECARBOXYLATED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.16	Ethene, tetrafluoro, oxidized, polymerized, reduced, decarboxylated (CAS No. 161075–02–1) (provided for in subheading 3824.90.91)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1224. ETHENE, TETRAFLUORO, OXIDIZED, POLYMERIZED REDUCED, METHYL ESTERS, REDUCED, ETHOXYLATED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.17	Ethene, tetrafluoro, oxidized, polymerized reduced, methyl esters, reduced, ethoxylated (CAS No. 162492–15–1) (provided for in subheading 3907.20.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1225. OXIRANEMETHANOL, POLYMERS WITH REDUCED METHYL ESTERS OF REDUCED POLYMERIZED OXIDIZED TETRAFLUOROETHYLENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.18	Oxiranemethanol, polymers with reduced methyl esters of reduced polymerized oxidized tetrafluoroethylene (CAS No. 156559–18–1) (provided for in subheading 3907.20.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1226. ETHENE, TETRAFLUORO, OXIDIZED, POLYMERIZED REDUCED, METHYL ESTERS, REDUCED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.19	Ethene, tetrafluoro, oxidized, polymerized reduced, methyl esters, reduced (CAS No. 88645–29–8) (provided for in subheading 3907.20.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1227. CERTAIN LIGHT-ABSORBING PHOTO DYES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.20	Morpholine, 4-[4,5-dihydro-4-[3-[5-hydroxy-1-methyl-3-(4-morpholinylcarbonyl)-1H-pyrazol-4-yl]-2-propenylidene]-1-methyl-5-oxo-1H-pyrazol-3-yl]carbonyl]-, potassium salt (CAS No. 183196–57–8) (provided for in subheading 2934.99.90); 1,4-benzenedisulfonic acid, 2-[4-[5-[1-(2,5-disulfophenyl)-1,5-dihydro-3-[(methylamino)carbonyl]-5-oxo-4H-pyrazol-4-ylidene]-3-(2-oxo-1-pyrrolidinyl)-1,3-pentadienyl]-5-hydroxy-3-[(methylamino)carbonyl]-1H-pyrazol-1-yl]-, pentapotassium salt (CAS No. 202482–44–8) (provided for in subheading 2933.79.08)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1228. CERTAIN SPECIALTY MONOMERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.21	3,4-Dimethylbenzene, 1,1′-[2,2,2-trifluoro-1-(trifluoromethyl)ethylidene]bis- (CAS No. 65294–20–4) (provided for in subheading 2903.69.80)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1229. SUSPENSION OF DUTY ON EXOFLEX F BX7011.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.22	1,4-Benzenedicarboxylic acid, dimethyl ester, polymer with 1,4-butanediol and hexanedioic acid (CAS No. 55231–08–8) (provided for in subheading 3907.99.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1230. TRIPHENYL PHOSPHINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.23	Triphenyl phosphine (CAS No. 603–35–0) (provided for in subheading 2931.00.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1231. CERTAIN GOLF BAG BODIES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.24	Golf bag bodies made of woven fabrics of nylon or polyester, sewn together with rainhoods, pockets, dividers, and graphite shaft protection (provided for in subheading 6307.90.98)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1232. DICHLORPROP-P ACID, DICHLORPROP-P DIMETHYLAMINE SALT, AND DICHLORPROP-P 2-ETHYLHEXYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.25	(+)-(R)-2-(2,4-Dichlorophenoxy) propanoic acid (CAS No. 15165–67–0); (+)-(R)-2-(2,4-dichlorophenoxy) propanoic acid, 2-ethylhexyl ester (CAS No. 79270–78–3) (provided for in subheading 2918.90.20), and (+)-(R)-2-(2,4-dichlorophenoxy)propanoic acid, dimethylamine salt (CAS No. 104786–87–0) (provided for in subheading 2921.19.60)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1233. 2,4-DB ACID AND 2,4-DB DIMETHYLAMINE SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.26	4-(2,4-Dichlorophenoxy) butyric acid (CAS No. 94–82–6) (provided for in subheading 2918.90.20); and 4-(2,4-dichlorophenoxy)butyric acid, dimethylamine salt (CAS No. 2758–42–1) (provided for in subheading 2921.19.60)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1234. FILAMENT FIBER TOW OF RAYON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.27	Filament tow of rayon (provided for in heading 5502.00.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1235. PARTS FOR USE IN THE MANUFACTURE OF CERTAIN HIGH-PERFORMANCE LOUDSPEAKERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.28	Parts (provided for in subheading 8518.90.80) certified by the importer as for use exclusively in the manufacture of loudspeakers which (when not mounted in their enclosures) meet a performance standard of not more than 1.5 dB for the average level of 3 or more octave bands when tested in a reverberant chamber	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1236. CERTAIN PLASTIC LAMP-HOLDER HOUSINGS CONTAINING SOCKETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.29	Lamp-holder housings of plastics, containing sockets (provided for in subheading 8536.61.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1237. CERTAIN PORCELAIN LAMP-HOLDER HOUSINGS CONTAINING SOCKETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.30	Lamp-holder housings of porcelain, containing sockets (provided for in subheading 8536.61.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1238. CERTAIN ALUMINUM LAMP-HOLDER HOUSINGS CONTAINING SOCKETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.31	Lamp-holder housings of aluminum, containing sockets (provided for in subheading 8536.61.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1239. CERTAIN BRASS LAMP-HOLDER HOUSINGS CONTAINING SOCKETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.32	Lamp-holder housings of brass, containing sockets (provided for in subheading 8536.61.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1240. STAPLE FIBERS OF VISCOSE RAYON, NOT CARDED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.33	Staple fibers of viscose rayon, not carded, combed, or otherwise processed for spinning, measuring 1.67 to 16.67 decitex and having a fiber length each measuring 20 mm or more but not over 150 mm (provided for in subheading 5504.10.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1241. STAPLE FIBERS OF RAYON, CARDED, COMBED, OR OTHERWISE PROCESSED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.34	Staple fibers of rayon, carded, combed, or otherwise processed for spinning, the foregoing presented in the form of top (provided for in heading 5507.00.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1242. MINI DVD CAMCORDER WITH 680K PIXEL CCD.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.35	Camcorders each capable of recording and reproducing video images on mini-DVD media in all the following formats: DVD–R, DVD–RW, DVD–RAM, or DVD+RW, the foregoing each with 25 power optical zoom and a lens diameter of 34 mm (provided for in subheading 8525.40.80)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1243. MINI DVD CAMCORDER WITH 20G HDD.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.36	Camcorders each capable of recording and reproducing video images on mini-DVD media in all the following formats: DVD–R, DVD–RW, DVD–RAM, or DVD+RW, the foregoing each with an internal 20 gigabyte (20G) hard disk drive and a USB 2.0 port (provided for in subheading 8525.40.80)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1244. METAL HALIDE LAMP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.37	Metal halide lamps designed for use in video projectors (provided for in subheading 8539.32.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1245. HAND-HELD ELECTRONIC CAN OPENERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.38	Hand-held electromechanical can openers, with self-contained electric motor (provided for in subheading 8509.80.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1246. ELECTRIC KNIVES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.39	Electromechanical knives, with self-contained electric motor (provided for in subheading 8509.80.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1247. TOASTER OVENS WITH SINGLE-SLOT TRADITIONAL TOASTER OPENING ON TOP OF OVEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.40	Electrothermic toaster ovens, each incorporating a single-slot toaster opening on top of the oven (provided for in subheading 8516.72.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1248. ICE SHAVERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.41	Electromechanical ice shavers, with self-contained electric motor (provided for in subheading 8509.40.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1249. DUAL-PRESS SANDWICH MAKERS WITH FLOATING UPPER LID AND LOCK.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.42	Dual-grid electric sandwich grillers, each with lock and floating upper lid (provided for in subheading 8516.60.60)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1250. ELECTRIC JUICE EXTRACTORS GREATER THAN 300 WATTS BUT LESS THAN 400 WATTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.43	Electromechanical juice extractors, each with a self-contained 2-speed electric motor rated over 300 W but not over 400 W (provided for in subheading 8509.40.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1251. ELECTRIC JUICE EXTRACTORS NOT LESS THAN 800 WATTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.44	Electromechanical juice extractors, each with a self-contained 2-speed electric motor rated at 800 W or higher (provided for in subheading 8509.40.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1252. OPEN-TOP ELECTRIC INDOOR GRILLS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.45	Open-top electric grills designed for indoor use (provided for in subheading 8516.60.60)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1253. AUTOMATIC DRIP COFFEEMAKERS OTHER THAN THOSE WITH CLOCKS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.46	Electrothermic automatic drip coffeemakers without electronic clock, each with self-contained coffee holding chamber and designed to be used without separate carafe (provided for in subheading 8516.71.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1254. AUTOMATIC DRIP COFFEEMAKERS WITH ELECTRONIC CLOCKS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.47	Electrothermic automatic drip coffeemakers each with electronic clock and with self-contained coffee holding chamber, the foregoing designed to be used without separate carafe (provided for in subheading 8516.71.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1255. ELECTRIC UNDER-THE-CABINET MOUNTING CAN OPENERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.48	Electromechanical can openers, with self-contained electric motor, the foregoing designed to be mounted below kitchen cabinets (provided for in subheading 8509.80.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1256. DIMETHYL MALONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.49	Dimethyl malonate (CAS No. 108–59–8) (provided for in subheading 2917.19.70)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1257. LIGHTWEIGHT DIGITAL CAMERA LENSES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.50	Lenses designed for digital cameras, the foregoing with focal length 55 mm or more but not over 200 mm and not exceeding 255.2 g in weight (provided for in subheading 9002.11.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1258. DIGITAL ZOOM CAMERA LENSES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.51	Lenses designed for digital cameras, the foregoing with focal length 17 mm or more but not over 55 mm and not exceeding 765.5 g in weight (provided for in subheading 9002.11.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1259. COLOR FLAT PANEL SCREEN MONITORS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.52	Color video monitors each having a flat panel screen, BNC input connection and video loop-thru connector, the foregoing with a video display diagonal of either 41.9 cm or more but not more than 44.5 cm, or 47 cm or more but not more than 49.5 cm (provided for in subheading 8528.21.70)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1260. COLOR MONITORS WITH A VIDEO DISPLAY DIAGONAL OF 35.56 CM OR GREATER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.53	Color video monitors each having a cathode-ray tube and a video display diagonal exceeding 35.56 cm (provided for in subheading 8528.21.39)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1261. COLOR MONITORS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.54	Color video monitors, each having a cathode-ray tube and a video display diagonal of more than 34.29 cm but not more than 35.56 cm (provided for in subheading 8528.21.29)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1262. BLACK AND WHITE MONITORS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.55	Black and white or other monochrome monitors with cathode-ray tubes, the foregoing each with a video display diagonal of either 21.6 cm or more but not more than 24.1 cm, 29.2 cm or more but not more than 31.8 cm or 41.9 cm or more but not more than 44.5 cm (provided for in subheading 8528.22.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1263. 6 V LEAD-ACID STORAGE BATTERIES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.56	6 V lead-acid storage batteries with a maximum length of 8.89 cm, maximum width of 5.08 cm and maximum height of 11.43 cm, rated at less than 10 ampere-hours, certified by the importer as intended for use as the auxiliary source of power for burglar or fire alarms and similar apparatus of subheading 8531.10.00 (provided for in subheading 8507.20.80)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1264. ZIRCONYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.57	Zirconium oxychloride (zirconyl chloride or zirconium dichloride oxide) (CAS No. 15461–27–5) (provided for in subheading 2827.49.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1265. NAPHTHOL AS-CA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.58	5′-Chloro-3-hydroxy-2′-methoxy-2-naphthanilide (CAS No. 137–52–0) (provided for in subheading 2924.29.36)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1266. NAPHTHOL AS-KB.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.59	5′-Chloro-3-hydroxy-2′-methyl-2-naphthanilide (CAS No. 135–63–7) (provided for in subheading 2924.29.36)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1267. BASIC VIOLET 1.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.60	Basic Violet 1 (CAS No. 8004–87–3) (provided for in subheading 3204.13.80)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1268. BASIC BLUE 7.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.61	Basic Blue 7 (CAS No. 2390–60–5) (provided for in subheading 3204.13.80)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1269. 3-AMINO-4-METHYLBENZAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.63	3-Amino-4-methylbenzamide (CAS No. 19406–86–1) (provided for in subheading 2924.29.76)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1270. ACETOACETYL-2,5-DIMETHOXY-4-CHLOROANILIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.64	Acetoacetyl-2,5-dimethoxy-4-chloroanilide (CAS No. 4433–79–8) (provided for in subheading 2924.29.76)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1271. PHENYL SALICYLATE (BENZOIC ACID, 2-HYDROXY-, PHENYL ESTER).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.65	Phenyl salicylate (benzoic acid, 2-hydroxy-, phenyl ester) (CAS No. 118–55–8) (provided for in subheading 2918.23.10)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1272. SYNTHETIC INDIGO POWDER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.66	Synthetic indigo powder, (3H-indol-3-one, 2-(1,3-dihydro-3-oxo-2H-indol-2-ylidene)-1,2-dihydro-) (CAS No. 482–89–3) (provided for in subheading 3204.15.10)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1273. 1,3,5-TRIAZINE-2,4-DIAMINE, 6-[2-(2-METHYL-1H-IMIDAZOL-1-YL)ETHYL]-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.67	1,3,5-Triazine-2,4-diamine, 6-[2-(2-methyl-1H-imidazol-1-yl)ethyl]- (CAS No. 38668–46–1) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1274. 50/50 MIXTURE OF 1,3,5-TRIAZINE-2,4,6(1H,3H,5H)-TRIONE, 1,3,5-TRIS[(2R)-OXIRANYLMETHYL]- AND 1,3,5,-TRIAZINE-2,4,6(1H,3H,5H)-TRIONE, 1,3,5-TRIS[(2S)-OXIRANYLMETHYL]-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.68	50/50 Mixture of 1,3,5-triazine-2,4,6(1H,3H,5H)-trione, 1,3,5-tris[(2R)-oxiranylmethyl]- and 1,3,5,-triazine-2,4,6(1H,3H,5H)-trione, 1,3,5-tris[(2S)-oxirianylmethyl]- (CAS Nos. 240408–78–0 and 240408–81–5) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1275. 9H-THIOXANTHENE-2-CARBOXALDEHYDE, 9-OXO-, 2-(O-ACETYLOXIME).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.69	9H-Thioxanthene-2-carboxaldehyde, 9-oxo-, 2-(o-acetyloxime) (CAS No. 362624–80–4) (provided for in subheading 2934.99.39)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1276. 1H-IMIDAZOLE, 2-ETHYL-4-METHYL-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.70	1H-Imidazole, 2-ethyl-4-methyl- (CAS No. 931–36–2) (provided for in subheading 2933.29.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1277. 1H-IMIDAZOLE-4-METHANOL, 5-METHYL-2-PHENYL-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.71	1H-Imidazole-4-methanol, 5-methyl-2-phenyl- (CAS No. 13682–32–1) (provided for in subheading 2933.29.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1278. 4-CYCLOHEXENE-1,2-DICARBOXYLIC ACID, COMPD. WITH 1,3,5-TRIAZINE-2,4,6-TRIAMINE (1:1).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.72	4-Cyclohexene-1,2-dicarboxylic acid, compd. with 1,3,5-triazine-2,4,6-triamine (1:1) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1279. 1,3,5,-TRIAZINE-2,4-DIAMINE, 6-[2-(2-UNDECYL-1H-IMIDAZOL-1-YL)ETHYL]-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.73	1,3,5,-Triazine-2,4-diamine, 6-[2-(2-undecyl-1H-imidazol-1-yl)ethyl]- (CAS No. 50729–75–4) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1280. CERTAIN FOOTWEAR VALUED OVER $20 A PAIR WITH COATED OR LAMINATED TEXTILE FABRICS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.74	Footwear (other than for men or women, and other than vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over $20/pair, whose height from the bottom of the outer sole to the top of the upper does not exceed 7 inches (17.78 cm), designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6402.91.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1281. CERTAIN WOMEN’S FOOTWEAR WITH COATED OR LAMINATED TEXTILE FABRICS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.75	Women’s footwear with outer soles and uppers of rubber or plastics (except footwear of vulcanized rubber and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over $20/pair, covering the ankle, whose height from the bottom of the outer sole to the top of the upper does not exceed 8 inches (20.32 cm), such footwear designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6402.91.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1282. CERTAIN MEN’S FOOTWEAR WITH COATED OR LAMINATED TEXTILE FABRICS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.76	Men’s footwear (except vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over $20/pair, whose height from the bottom of the outer sole to the top of the upper does not exceed 8 inches (20.32 cm), designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6402.91.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1283. CERTAIN MEN’S FOOTWEAR VALUED OVER $20 A PAIR WITH COATED OR LAMINATED TEXTILE FABRICS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.77	Men’s footwear (except vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over $20/pair, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6402.99.20)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1284. CERTAIN WOMEN’S FOOTWEAR VALUED OVER $20 A PAIR WITH COATED OR LAMINATED TEXTILE FABRICS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.78	Women’s footwear (except vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over $20/pair, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6402.99.20)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1285. CERTAIN OTHER FOOTWEAR VALUED OVER $20 A PAIR WITH COATED OR LAMINATED TEXTILE FABRICS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.79	Footwear (other than for men or women, and other than vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over $20/pair, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6402.99.20)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1286. CERTAIN FOOTWEAR WITH COATED OR LAMINATED TEXTILE FABRICS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.80	Footwear (other than for men or women and other than vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over $20/pair, not covering the ankle, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6404.19.20)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1287. CERTAIN OTHER FOOTWEAR COVERING THE ANKLE WITH COATED OR LAMINATED TEXTILE FABRICS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.81	Footwear (other than for men or women, and other than vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over $20/pair, covering the ankle, whose height from the bottom of the outer sole to the top of the upper does not exceed 7 inches (17.78 cm), designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6404.19.20)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1288. CERTAIN WOMEN’S FOOTWEAR COVERING THE ANKLE WITH COATED OR LAMINATED TEXTILE FABRICS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.82	Women’s footwear (except vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over $20/pair, covering the ankle, whose height from the bottom of the outer sole to the top of the upper does not exceed 8 inches (20.32 cm), such footwear designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6404.19.20)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1289. CERTAIN WOMEN’S FOOTWEAR NOT COVERING THE ANKLE WITH COATED OR LAMINATED TEXTILE FABRICS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.83	Women’s footwear (except vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over $20/pair, not covering the ankle, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6404.19.20)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1290. FELT-BOTTOM BOOTS FOR USE IN FISHING WADERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.84	Vulcanized rubber felt-bottom boots for actual use in fishing waders (provided for in subheading 6405.90.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1291. LUG BOTTOM BOOTS FOR USE IN FISHING WADERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.85	Vulcanized rubber lug bottom boots for actual use in fishing waders (provided for in subheading 6401.92.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1292. CERTAIN PARTS AND ACCESSORIES FOR MEASURING OR CHECKING INSTRUMENTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.86	Parts or accessories of instruments or apparatus for measuring or checking electrical quantities, such instruments or apparatus specially designed for telecommunications (provided for in subheading 9030.90.88) (but not including subassemblies containing one or more printed circuit assemblies for such instruments or apparatus (provided for in subheading 9030.90.88))	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1293. CERTAIN PRINTED CIRCUIT ASSEMBLIES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.87	Printed circuit assemblies for instruments or apparatus for measuring or checking electrical quantities, such instruments or apparatus specially designed for telecommunications (provided for in subheading 9030.90.68)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1294. CERTAIN SUBASSEMBLIES FOR MEASURING EQUIPMENT FOR TELECOMMUNICATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.88	Subassemblies containing one or more printed circuit assemblies for instruments or apparatus for measuring or checking electrical quantities, such instruments or apparatus specially designed for telecommunications (provided for in subheading 9030.90.88)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1295. CHLORONEB.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.89	1,4-Dichloro-2,5-dimethoxybenzene (Chloroneb) (CAS No. 2675–77–6) (provided for in subheading 2909.30.30)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1296. P-NITROBENZOIC ACID (PNBA).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.90	p-Nitrobenzoic acid (CAS No. 62–23–7) (provided for in subheading 2916.39.75)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1297. ALLYL PENTAERYTHRITOL (APE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.91	Allyl pentaerythritol (CAS No. 91648–24–7) (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1298. BUTYL ETHYL PROPANEDIOL (BEP).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.92	2-Butyl-2-ethylpropane-1,3-diol (CAS No. 115–84–4) (provided for in subheading 2905.39.90)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1299. BEPD70L.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.93	Mixture of 2-butyl-2-ethylpropane-1,3-diol (CAS No. 115–84–4) and neopentyl glycol (CAS No. 126–30–7) (provided for in subheading 3824.90.91)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1300. BOLTORN-1 (BOLT-1).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.94	Polymers of propanoic acid, 3-hydroxy-2-(hydroxymethyl)–2-methyl-with 2,2-bis(hydroxymethyl)–1,3-propanediol and oxirane (CAS No. 326794–48–3) (provided for in subheading 3907.99.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1301. BOLTORN-2 (BOLT-2).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.95	Polymer of propanoic acid, 3-hydroxy-2-(hydroxymethyl)–2-methyl-polymer with 2,2-bis(hydroxymethyl)–1,3-propanediol and oxirane, decanoate octanoate (CAS No. 326794–49–4) (provided for in subheading 3907.99.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1302. CYCLIC TMP FORMAL (CTF).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.96	1,3-Dioxane-5-methanol, 5-ethyl- (CAS No. 5187–23–5) (provided for in subheading 2932.99.90)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1303. DITMP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.97	Ditrimethylol propane (CAS No. 23235–61–2) (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1304. POLYOL DPP (DPP).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.98	Poly(oxy-1,2-ethanediyl), α-hydro-ω-hydroxy-ether with 2,2'-(oxybis(methylene)) bis(2-hydroxymethyl)–1,3-propanediol) (6:1) (CAS No. 50977–32–7) (provided for in subheading 3907.20.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1305. HYDROXYPIVALIC ACID (HPA).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.99	Hydroxypivalic acid (CAS No. 4835–90–9) (provided for in subheading 2918.19.90)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1306. TMPDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.24.01	Trimethylolpropane diallyl ether (CAS No. 682–09–7) (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1307. TMPME.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.24.02	Trimethylolpropane monoallyl ether (CAS No. 682–11–1) (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1308. TMP OXETANE (TMPO).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.24.03	3-Ethyl-3-oxetanemethanol (trimethylolpropane oxetane) (CAS No. 3047–32–3) (provided for in subheading 2932.99.90)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1309. TMPO ETHOXYLATE (TMPOE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.24.04	Poly(oxy-1,2-ethanediyl), α-((3-ethyl-3-oxetanyl) methyl)-ω-hydroxy- (CAS No. 76996–65–1) (provided for in subheading 3907.20.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1310. AMYL-ANTHRAQUINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.24.05	9, 10-Anthracenedione, 2 pentyl- (CAS No. 13936–21–5) (provided for in subheading 2914.69.90) or in organic solution (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1311. T-BUTYL ACRYLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.24.06	Acrylic acid, tert-butyl ester (CAS No. 1663–39–4) (provided for in subheading 2916.12.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1312. 3-CYCLOHEXENE-1-CARBOXYLIC ACID, 6-[(DI-2-PROPENYLAMINO)CARBONYL]-, REL-(1R,6R)-, REACTION PRODUCTS WITH PENTAFLUOROIODOETHANE-TETRAFLUOROETHYLENE TELOMER, AMMONIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.07	3-Cyclohexene-1-carboxylic acid, 6-[(di-2-propenylamino)carbonyl]-, rel-(1R,6R)-, reaction products with pentafluoroiodoethane-tetrafluoroethylene telomer, ammonium salt (CAS No. 392286–82–7) (provided for in subheading 3809.92.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1313. MIXTURES OF PHOSPHATE AMMONIUM SALT DERIVATIVES OF A FLUOROCHEMICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.08	5,5-Bis[(γ,ω-perfluoro(C4–20)alkylthio)methyl]-2-hydroxy-2-oxo-1,3,2-dioxaphosphorinane, ammonium salt (CAS No. 148240–85–1) and 2,2-bis[(γ,ω-perfluoro(C4–20)alkylthio)methyl]-3-hydroxypropyl phosphate, diammonium salt (CAS No. 148240–87–3) and di-[2,2-bis[(γ,ω-perfluoro(C4–20)alkylthio)methyl]]-3-hydroxypropyl phosphate, ammonium salt (CAS No. 148240–89–5) and 2,2-bis[(γ,ω-perfluoro(C4–20)alkylthio)methyl]-1,3-di-(dihydrogenphosphate)propane, tetraammonium salt (provided for in subheading 3809.92.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1314. 1-(3H)-ISOBENZOFURANONE, 3,3-BIS(2-METHYL-1-OCTYL-1H-INDOL-3-YL)-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.09	1-(3H)-Isobenzofuranone, 3,3-bis(2-methyl-1-octyl-1H-indol-3-yl)- (CAS No. 50292–95–0) (provided for in subheading 3204.19.40)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1315. MIXTURE OF POLY[[6-[(1,1,3,3-TETRAMETHYLBUTYL)AMINO]-1,3,5-TRIAZINE-2,4-DIYL] [2,2,6,6-TETRAMETHYL-4-PIPERIDINYL)IMINO]-1,6-HEXANEDIYL[(2,2,6,6-TETRAMETHYL-4-PIPERIDINYL)IMINO]]) AND BIS(2,2,6,6-TETRAMETHYL-4-PIPERIDYL) SEBACATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.10	Mixture of poly[[6-[(1,1,3,3-tetramethylbutyl)amino]-1,3,5-triazine-2,4-diyl] [2,2,6,6-tetramethyl-4-piperidinyl)imino]-1,6-hexanediyl[(2,2,6,6-tetramethyl-4-piperidinyl)imino]]) and bis(2,2,6,6-tetramethyl-4-piperidyl) sebacate (CAS Nos. 71878–19–8 and 52829–07–9) (provided for in subheading 3812.30.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1316. CERTAIN BITUMEN-COATED POLYETHYLENE SLEEVES SPECIFICALLY DESIGNED TO PROTECT IN-GROUND WOOD POSTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.11	Bitumen-coated shrink-wrap polyethylene boots for the protection of in-ground wood posts (provided for in subheading 3926.90.98)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1317. NYLON WOOLPACKS USED TO PACKAGE WOOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.12	Sacks and bags, of undyed woven fabric of nylon multifilament yarns not to exceed 10 decitex, used for packing wool for transport, storage, or sale (provided for in subheading 6305.39.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1318. MAGNESIUM ZINC ALUMINUM HYDROXIDE CARBONATE HYDRATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.13	Magnesium zinc aluminum hydroxide carbonate hydrate (CAS No. 169314–88–9) coated with an organic fatty acid (provided for in subheading 3812.30.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1319. C12–18 ALKENES.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.14	C12–18 alkenes, polymers (TPX) with 4-methyl-1-pentene (CAS Nos. 25155–83–3, 81229–87–0, and 103908–22–1) (provided for in subheading 3902.90.00)	Free	No change	No change	On or before 12/31/2009	”.

(b) CONFORMING AMENDMENT.—Subchapter II of chapter 99 is amended by striking heading 9902.03.86.

SEC. 1320. ACRYPET UT100.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.15	2-Propenoic acid, 2-methyl-, methyl ester, polymer with 1-cyclohexyl-1*H*-pyrrole-2,5-dione,ethenylbenzene and (1-methylethenyl)benzene (CAS No. 107194–09–2) (provided for in subheading 3906.90.20)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1321. 5-AMINO-1-[2,6-DICHLORO-4-(TRIFLUOROMETHYL)PHENYL]-4-[(1R,S)–(TRIFLUOROMETHYL)-SULFINYL]-1H-PYRAZOLE-3-CARBONITRILE (FIPRONIL).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.16	5-Amino-1-[2,6-dichloro-4-(trifluoromethyl)phenyl]-4-[(1R,S)–(trifluoromethyl)-sulfinyl]-1H-pyrazole-3-carbonitrile (Fipronil) (CAS No. 120068–37–3) (provided for in subheading 2933.19.23)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1322. 2,3-PYRIDINEDICARBOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.17	2,3-Pyridinedicarboxylic acid (CAS No. 89–00–9) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1323. MIXTURES OF 2-AMMINO-2,3-DIMETHYLBUTYLNITRILE AND TOLUENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.18	Mixtures of 2-amino-2,3-dimethylbutanenitrile (CAS No. 13893–53–3) and toluene (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1324. 2,3-QUINOLINEDICARBOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.19	2,3-Quinolinedicarboxylic acid (CAS No. 643–38–9) (provided for in subheading 2933.49.60)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1325. 3,5-DIFLUOROANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.20	3,5-Difluoroaniline (CAS No. 372–39–4) (provided for in subheading 2921.42.65)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1326. CLOMAZONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.21	2-[(2-Chlorophenyl)methyl]-4,4-dimethyl-3-isoxazolidinone (Clomazone) (CAS No. 81777–89–1) (provided for in subheading 2934.99.15)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1327. CHLOROPIVALOYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.22	3-Chloropivaloyl chloride (CAS No. 4300–97–4) (provided for in subheading 2915.90.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1328. N,N′-HEXANE-1,6-DIYLBIS(3-(3,5-DI-TERT-BUTYL-4-HYDROXYPHENYLPROPIONAMIDE)).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.23	N,N′-Hexane-1,6-diylbis(3-(3,5-di-tert-butyl-4-hydroxyphenylpropionamide)) (CAS No. 23128–74–7) (provided for in subheading 2924.29.31)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1329. REACTIVE RED 268.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.24	Reactive Red 268 (CAS No. 152397–21–2) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1330. REACTIVE RED 270.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.25	Reactive Red 270 (CAS No. 155522–05–7) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1331. CERTAIN GLASS THERMO BULBS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.26	Liquid-filled glass bulbs designed for sprinkler systems and other release devices (provided for in subheading 7020.00.60)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1332. PYRIPROXYFEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.27	2-[1-Methyl-2-(4-phenoxyphenoxy) ethoxy]pyridine (Pyriproxyfen) (CAS No. 95737–68–1) (provided for in subheading 2933.39.27)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1333. UNICONAZOLE-P.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.28	(E)–(+)–(S)–1-(4-Chlorophenyl)–4,4-dimethyl-2-(1H-1,2,4-triazol-1-yl)pent-1-en-3-ol (Uniconazole-P) (CAS No. 83657–17–4) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1334. BISPYRIBAC-SODIUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.29	Sodium 2,6-bis[(4,6-dimethoxypyrimidin-2-yl)oxy]benzoate (Bispyribac-sodium) (CAS No. 125401–92–5) (provided for in subheading 2933.59.10)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1335. DINOTEFURAN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.30	N-Methyl-N′ -nitro-N″ -[(tetrahydro-3-furanyl)methyl]guanidine (Dinotefuran) (CAS No. 165252–70–0) (provided for in subheading 2932.19.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1336. ETOXAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.31	2-(2,6-Difluorophenyl)–4-[4-(1,1-dimethylethyl)–2-ethoxyphenyl]-4,5-dihydrooxazole (Etoxazole) (CAS No. 153233–91–1) (provided for in subheading 2934.99.18)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1337. BIOALLETHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.32	[1RS-[1α(S*),3β]]-2-Methyl-4-oxo-3-(2-propenyl)–2-cyclopenten-1-yl 2,2-dimethyl-3-(2-methyl-1-propenyl) cyclopropanecarboxylate (Bioallethrin) (CAS No. 584–79–2) (provided for in subheading 2916.20.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1338. S-BIOALLETHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.33	[1R-[1a(S*),3b]]-2-Methyl-4-oxo-3-(2-propenyl)–2-cyclopenten-1-yl 2,2-dimethyl-3-(2-methylprop-1-enyl)cyclopropanecarboxylate (S-Bioallethrin) (CAS No. 28434–00–6) (provided for in subheading 2916.20.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1339. TETRAMETHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.34	(1,3,4,5,6,7-Hexahydro-1,3-dioxo-2H-isoindol-2-yl)methyl 2,2-dimethyl-3-(2-methylprop-1-enyl)cyclopropanecarboxylate (CAS No. 7696–12–0) (Tetramethrin) (provided for in subheading 2925.19.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1340. TRALOMETHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.35	Cyano(3-phenoxyphenyl)methyl 2,2-dimethyl-3-(1,2,2,2-tetrabromoethyl)-cyclopropanecarboxylate (Tralomethrin) (CAS No. 66841–25–6) and application adjuvants (provided for in subheading 3808.10.25)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1341. FLUMICLORAC-PENTYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.36	Pentyl [2-chloro-5-(cyclohex-1-ene-1,2-dicarboximido)–4-fluorophenoxy]acetate (Flumiclorac-pentyl) (CAS No. 87547–04–4) (provided for in subheading 2926.90.25)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1342. 1-PROPENE-2-METHYL HOMOPOLYMER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.37	1-Propene-2-methyl homopolymer (CAS No. 9003–27–4) (provided for in subheading 3902.30.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1343. ACRONAL-S-600.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.38	2-Propenoic acid, polymer with ethenylbenzene and 2-ethylhexyl 2-propenoate (CAS No. 25085–19–2) (provided for in subheading 3903.90.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1344. LUCIRIN TPO.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.39	Diphenyl (2,4,6-trimethylbenzoyl) phosphine oxide (CAS No. 75980–60–8) (provided for in subheading 2931.00.30)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1345. SOKALAN PG IME.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.40	1H-Imidazole, polymer with (chloromethyl) oxirane (CAS No. 68797–57–9) (provided for in subheading 3911.90.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1346. LYCOPENE 10 PERCENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.41	Lycopene 10 percent (CAS No. 502–65–8) (provided for in subheading 2106.90.95)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1347. MIXTURES OF CAS NOS. 181274–15–7 AND 208465–21–8.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.42	Mixtures of methyl 2-(4,5-dihydro-4-methyl-5-oxo-3-propoxy-1H-1,2,4-triazol-1-yl) carboxamidosulfonylbenzoate, sodium salt (Propoxycarbazone-sodium) (CAS No. 181274–15–7), 2-[(4,6-dimethoxypyrimidin-2-ylcarbamoyl)sulfamoyl]-α-(methanesulfonamido)-p-toluic acid, methyl ester (Mesosulfuron-methyl) (CAS No. 208465–21–8), and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1348. 2-METHYL-1-[4-(METHYLTHIO)PHENYL]-2-(4-MORPHOLINYL)–1-PROPANONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.43	2-Methyl-1-[4-(methylthio)phenyl]-2-(4-morpholinyl)–1-propanone (CAS No. 71868–10–5) (provided for in subheading 2934.99.39)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1349. 1,6-HEXANEDIAMINE, N,N- BIS(2,2,6,6-TETRAMETHYL-4- PIPERIDINYL)-, POLYMER WITH 2,4,6-TRICHLORO-1,3,5-TRIAZINE, REACTION PRODUCTS WITH N-BUTYL-1-BUTANAMINE AND N-BUTYL- 2,2,6,6-TETRAMETHYL-4- PIPERIDINAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.44	1,6-Hexanediamine, N,N- bis(2,2,6,6-tetramethyl-4- piperidinyl)-, polymer with 2,4,6-trichloro-1,3,5-triazine, reaction products with N-butyl-1-butanamine and N-butyl- 2,2,6,6-tetramethyl-4- piperidinamine (CAS No. 192268–64–7) (provided for in subheading 3911.90.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1350. VAT BLACK 25.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.45	Vat Black 25 (CAS No. 4395–53–3) (provided for in subheading 3204.15.80)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1351. ACID ORANGE 162.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.46	Acid Orange 162 (CAS No. 73612–40–5) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1352. METHYL SALICYLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.24.47	Methyl salicylate (CAS No. 119–36–8) (provided for in subheading 2918.23.20)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1353. 1,2-OCTANEDIOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.24.48	1,2-Octanediol (CAS No. 1117–86–8) (provided for in subheading 2905.39.90)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1354. MENTHONE GLYCERIN ACETAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.24.49	Menthone glycerin acetal (CAS No. 63187–91–7) (provided for in subheading 2932.99.90)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1355. PONTAMINE GREEN 2B.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.24.50	Dyestuff containing as active ingredient 2,7-naphthalenedisulfonic acid, 3,3'-[carbonylbis(imino-4,1-phenyleneazo)]bis[4-amino-5-hydroxy-6-(phenylazo)-, tetrasodium salt (CAS No. 59262–64–5) (provided for in subheading 3204.14.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1356. BAYDERM BOTTOM 10 UD.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.24.51	Aqueous polyurethane dispersions containing 29 percent to 31 percent solids content of hexanedioic acid, polymer with N-(2-aminoethyl)–1,2-ethanediamine, 2-butene-1,4-diol, 1,6-diisocyanatohexane, 1,2-ethanediol, 1,3-isobenzofurandione, methyloxirane, oxirane and sodium hydrogen sulfite, 2-(2-butoxyethoxy)ethanol-blocked (CAS No. 100486–94–0) (provided for in subheading 3909.50.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1357. BAYDERM FINISH DLH.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.24.52	Hexanedioic acid, polymer with 1,4-butanediol, 1,6-diisocyanatohexane and 1,6-hexanediol, 2-((2-aminoethyl)amino) ethanesulfonic acid, of 38 to 42 percent solids content in aqueous dispersion (CAS No. 68037–41–2) (provided for in subheading 3909.50.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1358. LEVAGARD DMPP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.24.53	Dimethyl propylphosphonate (CAS No. 18755–43–6) (provided for in subheading 2931.00.90)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1359. BAYDERM BOTTOM DLV.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.24.54	Aqueous polyurethane dispersions containing 38 percent to 42 percent solids content of propanoic acid, 3-hydroxy-2-(hydroxymethyl)–2-methyl-, polymer with 2-[(2-aminoethyl) amino]ethanesulfonic acid, monosodium salt, 1,6-diisocyanatohexane, diphenyl carbonate, 1,2-ethanediamine, 1,6-hexanediol, hydrazine, methyloxirane, oxirane and 1,2-propanediol, 2-(2-butoxyethoxy)ethanol-blocked (CAS No. 137898–95–4) (provided for in subheading 3909.50.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1360. CERTAIN ETHYLENE-VINYL ACETATE COPOLYMERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.24.55	Ethylene-vinyl acetate copolymers, other than those in aqueous dispersions, containing 50 percent or more by weight vinyl acetate monomer (CAS No. 24937–78–8) (provided for in subheading 3905.29.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1361. CYAZOFAMID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.24.56	Mixtures of 4-chloro-2-cyano-N,N-dimethyl-5-(4-methylphenyl)–1H-imidazole-1-sulfonamide (Cyazofamid) (CAS No. 120116–88–3) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1362. FLONICAMID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.24.57	N-(Cyanomethyl)–4-(trifluoromethyl)–3-pyridinecarboxamide (Flonicamid) (CAS No. 158062–67–0) (provided for in subheading 2933.39.27)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1363. ZETA-CYPERMETHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.24.58	(S)-Cyano-(3-phenoxyphenyl)methyl (+)cis-3-(2,2-dichloroethenyl)–2,2-dimethylcyclopropanecarboxylate and (S)-cyano-(3-phenoxyphenyl)methyl (+)trans-3-(2,2-dichloroethenyl)–2,2-dimethylcyclopropanecarboxylate (Zeta-cypermethrin) (CAS No. 52315–07–8) (provided for in subheading 2926.90.30)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1364. 2-ETHYLHEXYL 4-METHOXYCINNAMATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.24.60	2-Ethylhexyl 4-methoxycinnamate (CAS No. 5466–77–3) (provided for in subheading 2918.90.43)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1365. CERTAIN FLAME RETARDANT PLASTICIZERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

“	9902.24.61	Plasticizers containing diphenyl cresyl phosphate (CAS No. 26444–49–5), triphenyl phosphate (CAS No. 115–86–6), tricresyl phosphate (CAS No. 1330–78–5), and phenyl dicresyl phosphate (CAS No. 26446–73–1) (provided for in subheading 3812.20.10)	Free	No change	No change	On or before 12/31/2009	
	9902.24.62	Phosphoric acid, tris (2-ethylhexyl) ester (CAS No. 78–42–2) (provided for in subheading 2919.00.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1366. BAYPURE DS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.63	Polyaspartic acid, sodium salt, in aqueous solution (CAS No. 181828–06–8) (provided for in subheading 3911.90.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1367. BAYOWET C4.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.64	1,1,2,2,3,3,4,4,4-Nonafluorobutanesulfonic acid, potassium salt (CAS No. 29420–49–3) (provided for in subheading 2904.90.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1368. CERTAIN BICYCLE PARTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

	9902.24.65	Bicycle speedometers (provided for in subheading 9029.20.20)	Free	No change	No change	On or before 12/31/2009	”.
“							

SEC. 1369. OTHER CYCLES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

	9902.24.67	Unicycles (provided for in subheading 8712.00.50)	Free	No change	No change	On or before 12/31/2009	”.
“							

SEC. 1370. CERTAIN BICYCLE PARTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.68	Sets of steel tubing cut to exact length and each set having the number of tubes needed for the assembly (with other parts) into the frame and fork of one bicycle (provided for in subheading 8714.91.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1371. CERTAIN BICYCLE PARTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.71	Brakes designed for bicycles (other than drum brakes, caliper and cantilever brakes, and coaster brakes) and parts thereof (provided in subheading 8714.94.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1372. (2-CHLOROETHYL)PHOSPHONIC ACID (ETHEPHON).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.73	(2-Chloroethyl)phosphonic acid (Ethephon) (CAS No. 16672–87–0) (provided for in subheading 2931.00.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1373. PREPARATIONS CONTAINING 2-(1-(((3-CHLORO-2-PROPENYL)OXY)IMINO)PROPYL)–5-(2-(ETHYLTHIO)PROPYL)–3-HYDROXY-2-CYCLOHEXENE-1-ONE (CLETHODIM).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.74	Preparations containing 2-(1-(((3-chloro-2-propenyl)oxy)imino)propyl)–5-(2-(ethylthio)propyl)–3-hydroxy-2-cyclohexene-1-one (Clethodim) (CAS No. 99129–21–2) and application adjuvants (provided for in subheading 3808.30.20)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1374. UREA, POLYMER WITH FORMALDEHYDE (PERGOPAK).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.75	Urea, polymer with formaldehyde (Pergopak) (CAS No. 9011–05–6) (provided for in subheading 3909.10.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1375. ORTHO NITROANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

	9902.24.76	2-Nitroaniline (CAS No. 88–74–4) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2009	”.
“							

SEC. 1376. 2,2 -(2,5-THIOPHENEDIYL)BIS(5-(1,1-DIMETHYLETHYL)BENZOXAZOLE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.77	2,2 -(2,5-Thiophenediyl)bis(5-(1,1-dimethylethyl)benzoxazole) (CAS No. 7128–64–5) (provided for in subheading 3204.20.80)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1377. CERTAIN CHEMICALS AND CHEMICAL MIXTURES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

“	9902.24.78	3-[(2-Chloro-5-thiazolyl)methyl]tetrahydro-5-methyl-N-nitro-4H-1,3,5-oxadiazin-4-imine (Thiamethoxam) (CAS No. 153719–23–4) (provided for in subheading 2934.10.90)	Free	No change	No change	On or before 12/31/2009	
	9902.24.79	Mixtures of (±)-(cis and trans)-1-(2-(2,4-Dichlorophenyl)-4-propyl-1,3-dioxalan-2-yl)methyl)-1H-1,2,4-triazole (Propiconazole) (CAS No. 60207–90–1) and 3-iodo-2-propynyl butylcarbamate (CAS No. 55406–53–6), and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2009	
	9902.24.80	Mixtures of 4,6-dimethyl-*N*-phenyl-2-pyrimidinamine (Pyrimethanil) (CAS No. 53112–28–0), (±)-1-[2-(2,4-dichlorophenyl)–2-(2-propenyloxy)ethyl]-1-*H*-imidazole sulfate (Imazalil Sulfate) (CAS No. 58595–72–2) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2009	
	9902.24.81	(±)–3-[2-[4-(6-Fluoro-1,2-benzisoxazol-3-yl)–1-piperidinyl]ethyl]-6,7,8,9-tetrahydro-9-hydroxy-2-methyl-4*H*-pyrido[1,2-a]pyrimidin-4-one (CAS No. 144598–75–4) (provided for in subheading 2934.99.39)	Free	No change	No change	On or before 12/31/2009	
	9902.24.82	3-Benzo[b]thien-2-yl-5, 6-dihydro-1,4,2-oxathiazine 4-oxide (Bethoxazin) (CAS No. 163269–30–5) (provided for in subheading 2934.99.12)	Free	No change	No change	On or before 12/31/2009	
	9902.24.83	4-Bromo-2-(4-chlorophenyl)–1-(ethoxymethyl)–5-(trifluoromethyl)–1H-pyrrole-3-carbonitrile (Chlorfenapyr) (CAS No. 122453–73–0) (provided for in subheading 2933.99.17)	Free	No change	No change	On or before 12/31/2009	
	9902.24.84	2-(*p*-Chlorophenyl)–3-cyano-4-bromo-5-trifluoromethylpyrrole (Tralopyril) (CAS No. 122454–29–9) (provided for in subheading 2933.99.22)	Free	No change	No change	On or before 12/31/2009	
	9902.24.85	Mixtures of 4,6-dimethyl-*N*-phenyl-2-pyrimidinamine (Pyrimethanil) (CAS No. 53112–28–0) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1378. ACID RED 414.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.86	Acid Red 414 (CAS No. 152287–09–7) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1379. SOLVENT YELLOW 163.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.87	Solvent Yellow 163 (CAS No. 13676–91–0) (provided for in subheading 3204.19.20)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1380. 4-AMINO-3,6-BIS[[5-[[4-CHLORO-6-[METHYL[2-(METHYLAMINO)–2-OXOETHYL]AMINO]-1,3,5-TRIAZIN-2-YL]AMINO]-2-SULFOPHENYL]AZO]-5-HYDROXY-2,7-NAPHTHALENEDISULFONIC ACID, LITHIUM POTASSIUM SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.88	4-Amino-3,6-bis[[5-[[4-chloro-6-[methyl[2-(methylamino)–2-oxoethyl]amino]-1,3,5-triazin-2-yl]amino]-2-sulfophenyl]azo]-5-hydroxy-2,7-naphthalenedisulfonic acid, lithium potassium sodium salt (CAS No. 205764–96–1) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1381. REACTIVE RED 123.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.89	Reactive Red 123 (CAS No. 85391–83–9) (provided for in subheading 3204.16.20)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1382. REACTIVE BLUE 250.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.90	Reactive Blue 250 (CAS No. 93951–21–4) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1383. REACTIVE BLACK 5.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.91	Reactive Black 5 (CAS No. 17095–24–8) (provided for in subheading 3204.16.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1384. 5-[(2-CYANO-4-NITROPHENYL)AZO]-2-[[2-(2-HYDROXYETHOXY)ETHYL]AMINO]-4-METHYL-6-(PHENYLAMINO)–3-PYRIDINECARBONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.93	5-[(2-Cyano-4-nitrophenyl) azo]-2-[[2-(2-hydroxyethoxy) ethyl]amino]-4-methyl-6-(phenylamino)–3-pyridinecarbonitrile (CAS No. 149988–44–3) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1385. CYANO[3-[(6-METHOXY-2-BENZOTHIAZOLYL)AMINO]-1H-ISOINDOL-1-YLIDENE]-ACETIC ACID, PENTYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.94	Cyano[3-[(6-methoxy-2-benzothiazolyl)amino]-1H-isoindol-1-ylidene]acetic acid, pentyl ester (CAS No. 173285–74–0) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1386. [(9,10-DIHYDRO-9, 10-DIOXO-1, 4-ANTHRACENEDIYL)BIS[IMINO[3- (2-METHYLPROPYL)–3,1-PROPANEDIYL]]]BISBENZENESULFONIC ACID, DISODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.95	[(9,10-Dihydro-9,10-dioxo-1,4-anthracenediyl)bis[imino[3-(2-methylpropyl)–3,1-propanediyl]]] bisbenzenesulfonic acid, disodium salt (CAS No. 72749–90–7) (provided for in subheading 3204.12.20)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1387. [4-(2,6-DIHYDRO-2,6-DIOXO-7-PHENYLBENZO[1,2-B:4,5-B′]DIFURAN-3-YL)PHENOXY]ACETIC ACID, 2-ETHOXYETHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.96	[4-(2,6-Dihydro-2,6-dioxo-7-phenylbenzo[1,2-b:4,5-b′]difuran-3-yl)phenoxy]acetic acid, 2-ethoxyethyl ester (CAS No. 126877–05–2) (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1388. 3-PHENYL-7-(4-PROPOXYPHENYL)BENZO[1,2-B:4,5-B′]DIFURAN-2,6-DIONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.97	3-Phenyl-7-(4-propoxyphenyl)benzo[1,2-b:4,5-b′]difuran-2,6-dione (CAS No. 79694–17–0) (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1389. 2-[[[2, 5-DICHLORO-4-[(2-METHYL-1H-INDOL-3-YL)AZO]PHENYL]SULFONYL]AMINO]-ETHANESULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.98	2-[[[2, 5-Dichloro-4-[(2-methyl-1H-indol-3-yl)azo]phenyl] sulfonyl]amino]-ethanesulfonic acid, monosodium salt (CAS No. 68959–19–3) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1390. 2,7-NAPHTHALENEDISULFONIC ACID, 5-[[4-CHLORO-6- [(3-SULFOPHENYL)AMINO]- 1,3,5-TRIAZIN-2 -YL]AMINO]-4 -HYDROXY-3- [[4-[[2-(SULFOXY) ETHYL]SULFONYL] PHENYL] AZO]-, SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.99	2,7-Naphthalenedisulfonic acid, 5-[[4-chloro-6-[(3-sulfophenyl)amino]-1,3,5-triazin-2-yl]amino]-4-hydroxy-3-[[4-[[2-(sulfoxy)ethyl] sulfonyl]phenyl]azo]-, sodium salt. (CAS No. 78952–61–1) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1391. 7-[[2-[(AMINOCARBONYL)AMINO]-4- [[4-[4-[2-[[4-[[3- [(AMINOCARBONYL) AMINO]-4-[(3,6,8- TRISULFO-2- NAPHTHALENYL) AZO] PHENYL]AMINO]- 6-CHLORO-1, 3,5-TRIAZIN-2- YL]AMINO]ETHYL]- 1-PIPERAZINYL]-6- CHLORO-1, 3,5-TRIAZIN-2-YL]AMINO]PHENYL]AZO]-1, 3, 6-NAPHTHALENETRISULFONIC ACID, LITHIUM POTASSIUM SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.01	7-[[2-[(Aminocarbonyl)amino]-4-[[4-[4-[2-[[4-[[3-[(aminocarbonyl) amino]-4-[(3,6,8-trisulfo-2-naphthalenyl) azo]phenyl]amino]-6-chloro-1,3,5-triazin-2-yl]amino]ethyl]- 1-piperazinyl]-6-chloro-1,3,5-triazin-2-yl]amino] phenyl]azo]-1,3,6-naphthalenetrisulfonic acid, lithium potassium sodium salt (CAS No. 202667–43–4) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1392. 4-[[3-(ACETYLAMINO)PHENYL]AMINO]-1-AMINO-9,10-DIHYDRO-9,10-DIOXO-2-ANTHRACENESULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.02	4-[[3-(Acetylamino)phenyl]amino]-1-amino-9,10-dihydro-9,10-dioxo-2-anthracenesulfonic acid, monosodium salt (CAS No. 70571–81–2) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1393. [4-[2,6-DIHYDRO-2,6-DIOXO-7-(4-PROPOXYPHENYL)BENZO[1,2-B:4,5-B]DIFURAN-3-YL]PHENOXY]ACETIC ACID, 2-ETHOXYETHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.03	[4-[2,6-Dihydro-2,6-dioxo-7-(4-propoxyphenyl)benzo[1,2-b:4,5-b]difuran-3-yl]phenoxy]acetic acid, 2-ethoxyethyl ester (CAS No. 126877–06–3) (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1394. BASIC YELLOW 40 CHLORIDE BASED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.04	Basic Yellow 40 chloride based (CAS No. 29556–33–0) (provided for in subheading 3204.13.10)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1395. DIRECT YELLOW 119.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.05	Direct Yellow 119 (CAS No. 4121–67–9) (provided for in subheading 3204.14.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1396. NAUGARD 412S.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.06	Pentaerythritol tetrakis[3-(dodecylthio)propionate] (CAS No. 29598–76–3) (provided for in subheading 2930.90.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1397. TRIACETONAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.07	2,2,6,6-Tetramethyl-4-piperidinone (CAS No. 826–36–8) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1398. IPCONAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.08	2-[(4-Chlorophenyl)methyl]-5-(1-methylethyl)–1-(1H-1,2,4-triazol-1-ylmethyl) cyclopentanol (Ipconazole) (CAS No. 125225–28–7) (provided for in subheading 2933.99.22)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1399. OMITE TECH.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.09	2-(4-Tert-butylphenoxy)cyclohexylprop-2-ynyl sulfite (Propargite) (CAS No. 2312–35–8) (provided for in subheading 2920.90.10)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1400. PANTERA TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.10	(+)-Tetrahydrofurfuryl)-(R)-2-[4-(6-chloroquinoxalin-2-yloxy)phenoxy]propionoate (Quizalofop p-tefuryl) (CAS No. 119738–06–6) (provided for in subheading 2934.99.15) and any formulations containing such compound (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1401. P-TOLUENESULFONYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.11	p-Toluenesulfonyl chloride (CAS No. 98–59–9) (provided for in subheading 2904.10.10)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1402. PREFORMED PELLETS OF A MIXTURE OF SODIUM IODIDE, THALLIUM IODIDE, DYSPROSIUM TRI-IODIDE, HOLMIUM TRI-IODIDE, THULIUM TRI-IODIDE, AND SOMETIMES CALCIUM IODIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.12	Preformed pellets of a mixture of sodium iodide, thallium iodide, dysprosium tri-iodide, holmium tri-iodide, thulium tri-iodide, and sometimes calcium iodide (CAS Nos. 7681–82–5, 7790–30–9, 15474–63–2, 13813–41–7, 1381–43–9, or 10102–68–8) (provided for in subheading 2827.60.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1403. P-AMINOBENZAMIDE (4-AMINOBENZAMIDE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.13	p-Aminobenzamide (4-aminobenzamide) (CAS No. 2835–68–9) (provided for in subheading 2924.29.76)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1404. P-CHLOROANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.14	p-Chloroaniline (CAS No. 106–47–8) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1405. 4-CHLORO-2-NITROANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.15	4-Chloro-2-nitroaniline (CAS No. 89–63–4) (provided for in subheading 2921.42.55)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1406. O-CHLORO-P-TOLUIDINE (3-CHLORO-4-METHYLANILINE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.16	o-Chloro-p-toluidine (3-chloro-4-methylaniline) (CAS No. 95–74–9) (provided for in subheading 2921.43.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1407. 2-CHLOROACETOACETANILIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.17	2-Chloroacetoacetanilide (CAS No. 93–70–9) (provided for in subheading 2924.29.76)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1408. P-ACETOACETANISIDIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.18	p-Acetoacetanisidide (CAS No. 5437–98–9) (provided for in subheading 2924.29.71)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1409. 1-HYDROXY-2-NAPHTHOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.19	1-Hydroxy-2-naphthoic acid (CAS No. 86–48–6) (provided for in subheading 2918.29.04)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1410. PIGMENT GREEN 7 CRUDE, NOT READY FOR USE AS A PIGMENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.20	Copper Phthalocyanine Green 7, Crude (CAS No. 1328–53–6) (provided for in subheading 3204.17.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1411. 1,8-NAPHTHALIMIDE (1H-BENZ[DE]ISOQUINOLINE-1,3(2H)-DIONE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.21	1,8-Naphthalimide (1H-benz[de]isoquinoline-1,3(2H)-dione) (CAS No. 81–83–4) (provided for in subheading 2925.19.42)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1412. DIISOPROPYL SUCCINATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.22	Diisopropyl succinate (CAS No. 924–88–9) (provided for in subheading 2917.19.70)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1413. 2,4-DI-TERT-BUTYL-6-(5-CHLOROBENZOTRIAZOL-2-YL)PHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.23	2,4-Di-tert-butyl-6-(5-chlorobenzotriazol-2-yl)phenol (CAS No. 3864–99–1) (provided for in subheading 2933.99.12)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1414. DIRECT BLACK 22.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.25	Direct Black 22 (CAS No. 6473–13–8) (provided for in subheading 3204.14.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1415. METHYLENE BIS-BENZOTRIAZOLYL TETRAMETHYLBUTYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.26	2,2′-Methylenebis[6-(2H-benzotriazol-2-yl)-4-(1,1,3,3-tetramethylbutyl)phenol] (CAS No. 103597–45–1) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1416. BIS-ETHYLHEXYLOXYPHENOL METHOXYPHENOL TRIAZINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.27	2,2′-(6-(4-Methoxyphenyl)-1,3,5-triazine-2,4-diyl)bis(5-((2-ethylhexyl)oxy)phenol) (CAS No. 187393–00–6) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1417. REACTIVE ORANGE 132.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.28	Reactive Orange 132 (CAS No. 149850–31–7) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1418. ACID BLACK 244.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.29	Acid Black 244 (CAS No. 30785–74–1) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1419. CERTAIN CORES USED IN REMANUFACTURE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

“	9902.25.30	Used fuel, lubricating or cooling medium pumps for internal combustion piston engines (provided for in subheading 8413.30.10 or 8413.30.90)	Free	No change	No change	On or before 12/31/2009	...
	9902.25.31	Used compression-ignition internal combustion piston engines to be installed in vehicles of subheading 8701.20 or heading 8704 (provided for in subheading 8408.20.20)	Free	No change	No change	On or before 12/31/2009	...
	9902.25.32	Used gear boxes for the vehicles of subheading 8701.20 or heading 8704 (provided for in subheading 8708.40.10)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1420. ADTP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.33	2-Amino-5,8-dimethoxy-(1,2,4)triazolo(1,5-c)pyrimidine (CAS No. 219715–62–5) (provided for in subheading 2933.59.95)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1421. DCBTF.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.34	3,4-Dichlorobenzotrifluoride (CAS No. 328–84–7) (provided for in subheading 2903.69.08)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1422. NOVIFLUMURON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.35	N-[[[3,5-Dichloro-2-fluoro-4-(1,1,2,3,3,3-hexafluoropropoxy) phenyl]amino]carbonyl]-2,6-difluorobenzamide (Noviflumuron) (CAS No. 121451–02–3) (provided for in subheading 2924.29.52)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1423. PARACHLOROBENZOTRIFLUORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.36	1-Chloro-4-(trifluoromethyl) benzene (CAS No. 98–56–6) (provided for in subheading 2903.69.08)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1424. MIXTURES OF INSECTICIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.37	Mixtures of insecticide containing gamma-cyhalothrin ((S)-α-cyano-3-phenoxybenzyl (Z)–(1R, 3R)–3-(2-chloro-3,3,3-trifluoropropenyl)–2,2-dimethyl cyclopropanecarboxylate) as the active ingredient and application adjuvants (CAS No. 76703–62–3) (provided for in subheading 3808.10.25)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1425. MIXTURE OF FUNGICIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.38	Mixture of quinoxyfen (5,7-dichloro-4-(4-fluorophenoxyquinoline)) and application adjuvants (CAS No. 124495–18–7) (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1426. 1,2-BENZISOTHIAZOL-3(2H)-ONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.39	1,2-Benzisothiazol-3(2H)-one (CAS No. 2634–33–5) (provided for in subheading 3808.40.10)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1427. STYRENE, AR-ETHYL-, POLYMER WITH DIVINYLBENZENE AND STYRENE (6CI) BEADS WITH LOW ASH.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.40	Styrene, ar-ethyl-, polymer with divinylbenzene and styrene beads having low ash content and specifically manufactured for use as a specialty filler in lost wax mold casting applications and in a variety of other specialty filler applications (CAS No. 9052–95–3) (provided for in subheading 3903.90.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1428. MIXTURES OF FUNGICIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.41	Mixtures of myclobutanil (α-Butyl-α-(4-chlorophenyl)-1H-1,2,4-triazole-1-propanenitrile, and application adjuvants (CAS No. 88671–89–0) (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1429. 2-METHYL-4-CHLOROPHENOXY-ACETIC ACID, DI-METHYLAMINE SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.42	2-Methyl-4-chlorophenoxy-acetic acid, dimethylamine salt (CAS No. 2039–46–5) (provided for in subheading 2921.11.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1430. CHARGE CONTROL AGENT 7.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.43	Charge control agent 7 Chromate(1-),bis{1-{(5-chloro-2-hydroxyphenyl)azo}-2-napthalenolato(2-)}-hydrogen (provided for in subheading 2942.00.10)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1431. PRO-JET BLACK 820 LIQUID FEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.44	Substituted naphthalene [[substituted pyridinyl azo] alkoxyphenyl azo]azo, potassium / sodium salt (PMN No. P04–390) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1432. PRO-JET MAGENTA M700.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.45	Nickel [substituted naphthenyl azo] substituted triazole, sodium salt (PMN No. P–03–307) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1433. PRO-JET FAST BLACK 287 NA LIQUID FEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.46	Pro-jet fast black 287 NA liquid feed ([(substituted naphthalenylazo) substituted naphthalenyl azo] carboxyphenylene, sodium salt) (PMN No. P–90–391) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1434. PRO-JET FAST BLACK 286 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.47	Pro-jet fast black 286 stage [(substituted naphthalenylazo) substituted naphthalenyl azo] carboxyphenylene, sodium salt (PMN No. P–90–394) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1435. PRO-JET CYAN 485 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.48	Copper phthalocyanine substituted with sulphonic acids and alkyl sulphonoamides, sodium salt (PMN No. P–99–105) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1436. PRO-JET BLACK 661 LIQUID FEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.49	Aryl substituted pyrazonyl [[[substituted phenyl azo]substituted naphthenyl] Azo phenyl]azo, sodium salt (PMN No. P–03–78) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1437. PRO-JET BLACK CYAN 854 LIQUID FEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.50	Copper phthalocyanine substituted with sulphonic acids and alkyl sulphonoamides, sodium/ammonium salts (PMN No. P02–893) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1438. ERASERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.51	Erasers of vulcanized rubber other than hard rubber or cellular rubber (provided for in subheading 4016.92.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1439. ARTIFICIAL FLOWERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.65	Artificial flowers of man-made fibers (provided for in subheading 6702.90.35)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1440. SUSPENSION SYSTEM STABILIZER BARS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.77	Suspension system stabilizer bars of alloy steel of Japanese JIS grade SCM525S (26CrMo4) or SCM435H (34CrMo4), each weighing approximately 42 kg, comprising one rod measuring approximately 98.8 cm in length at each end of which is welded at approximately right angles to a rod measuring approximately 51 cm in length (provided for in subheading 8708.99.70), the foregoing designed for use in Class 7 and 8 trucks only	Free	No change	No change	On or before 12/31/2009	".

SEC. 1441. RATTAN WEBBING.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.78	Rattan webbing (provided for in subheading 4601.91.20)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1442. TRACTOR BODY PARTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.79	Parts and accessories of bodies (including cabs) for tractors for agricultural use (provided for in subheadings 8708.29.10, 8708.29.15, 8708.29.25, or 8708.29.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1443. AC ELECTRIC MOTORS OF AN OUTPUT EXCEEDING 74.6 W BUT NOT EXCEEDING 85 W.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.85.06	AC electric motors of an output exceeding 74.6 W but not exceeding 85 W, single phase; each equipped with a capacitor, a speed control mechanism, a motor mount of plastics and a self-contained gear mechanism for oscillation (provided for in subheading 8501.40.40)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1444. AC ELECTRIC MOTORS OF AN OUTPUT EXCEEDING 74.6 W BUT NOT EXCEEDING 105 W.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.85.07	AC electric motors of an output exceeding 74.6 W but not exceeding 105 W, single phase; each equipped with a capacitor, a rotary speed control mechanism, and a motor mounting cooling ring (provided for in subheading 8501.40.40)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1445. AC ELECTRIC MOTORS OF AN OUTPUT EXCEEDING 74.6 W BUT NOT EXCEEDING 95 W.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.85.08	AC electric motors of an output exceeding 74.6 W but not exceeding 95 W, single phase, each equipped with a capacitor and a speed control mechanism (provided for in subheading 8501.40.40)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1446. CERTAIN AC ELECTRIC MOTORS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.85.09	AC electric motors of an output exceeding 37.5 W but not exceeding 72 W, single phase; each equipped with a capacitor, a speed control mechanism, a motor mount of plastics and a self-contained gear mechanism for oscillation (provided for in subheading 8501.40.20)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1447. VISCOSE RAYON YARN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.54.03	Single yarn of viscose rayon, untwisted or with a twist not exceeding 120 turns/m (provided for in subheading 5403.31.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1448. CERTAIN TWISTED YARN OF VISCOSE RAYON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.54.04	Single yarn of viscose rayon, with a twist exceeding 120 turns/m (provided for in subheading 5403.32.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1449. ALLYL UREIDO MONOMER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.02	2-Imidazolidinone, 1-(2-aminoethyl)-, reaction product with oxirane, ((2-propenyloxy)methyl)- (CAS No. 90412–00–3) (provided for in subheading 2933.29.90)	Free	No change	No change	On or before 12/31/2007	”.

SEC. 1450. SYNTHETIC ELASTIC STAPLE FIBER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.55.03	Bi-component staple fibers of elasterell-p, measuring less than 3.5 decitex (provided for in subheading 5503.20.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1451. CERTAIN FIBERGLASS SHEETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.70.19	Thin smooth nonwoven fiberglass sheets, approximately .0125 inches thick, comprised principally of glass fibers bound together in a polyvinyl alcohol matrix, of a type primarily used as acoustical facing for ceiling panels provided for in subheading 7019.32.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1452. HALOPHOSPHOR CALCIUM DIPHOSPHATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.33	Halophosphor calcium diphosphate; inorganic product of a kind used as luminophores (CAS No. 7790–76–3) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1453. CERTAIN RAYON STAPLE FIBERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.55.04	Viscose rayon filaments having a decitex of less than 5.0 and a multi-limbed cross-section, the limbs having a length-to-width aspect ratio of at least 2:1 (provided for in subheading 5504.10.00)	Free	No change	No change	On or before 12/31/2008	”.

SEC. 1454. SYNTHETIC QUARTZ OR FUSED SILICA PHOTOMASK SUBSTRATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.70.60	Synthetic fused silica (100 percent SiO^2) photomask blank substrates in squares having a surface area of 150 cm^2 or more but not over 522 cm^2 and a thickness of 2.2 mm or more but not over 6.45 mm (provided for in subheading 7006.00.40)	Free	No change	No change	On or before 12/31/2008	’’.

SEC. 1455. CERTAIN INTEGRATED MACHINES FOR MANUFACTURING PNEUMATIC TIRES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.84.10	Machines for molding or forming pneumatic tires, the forgoing containing in a single housing both components for processing rubber, for positioning and assembling tire components (including but not limited to belts, cords, and other reinforcing materials) and for curing ‘‘green tires’’ to produce finished pneumatic tires of heading 4011; parts of such machines (including molds); or molds entered separately (provided for in 8477.59.80, 8477.90.85, or 8480.71.80, respectively)	Free	No change	No change	On or before 12/31/2009	’’.

SEC. 1456. TRAMWAY CARS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

‘‘	9902.26.01	Tramway cars imported pursuant to contract by or on behalf of the City of Seattle (provided for in subheading 8603.10.00)	Free	No change	No change	On or before 12/31/2009	...
	9902.26.02	Parts imported pursuant to contract by or on behalf of the City of Seattle, to be used in the tramway cars described in heading 9902.26.01, whether or not such parts are principally used as parts of such articles and whether or not covered by a specific provision within the meaning of additional United States rule of interpretation 1(c) (however: provided for in the tariff schedule)	Free	No change	No change	On or before 12/31/2009	’’.

SEC. 1457. CERTAIN ARTIFICIAL FILAMENT SINGLE YARN (OTHER THAN SEWING THREAD).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.26.12	Artificial filament single yarn (other than sewing thread), not put up for retail sale, of viscose rayon, untwisted or with a twist not exceeding 120 turns/m (provided for in subheading 5403.31)	Free	No change	No change	On or before 12/31/2009	’’.

SEC. 1458. CERTAIN ELECTRICAL TRANSFORMERS RATED AT 25VA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.85.05	120 volt/60 Hz electrical transformers, each with dimensions of 77 mm by 61 mm by 50 mm, containing a layered and uncut round core with two balanced bobbins, the foregoing rated at 25VA (provided for in subheading 8504.31.40)	Free	No change	No change	On or before 12/31/2009	’’.

SEC. 1459. CERTAIN ELECTRICAL TRANSFORMERS RATED AT 40VA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.85.06	120 volt/60 Hz electrical transformers, each with dimensions of 80 mm by 71 mm by 59 mm, containing a layered and uncut round core with two balanced bobbins, the foregoing rated at 40VA (provided for in subheading 8504.31.40)	Free	No change	No change	On or before 12/31/2009	’’.

CHAPTER 2—REDUCTIONS

SEC. 1461. FLOOR COVERINGS AND MATS OF VULCANIZED RUBBER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.25.54	Floor coverings and mats of vulcanized rubber (provided for in subheading 4016.91.00)	2.17%	No change	No change	On or before 12/31/2009	’’.

SEC. 1462. MANICURE AND PEDICURE SETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.25.55	Manicure and pedicure sets, and combinations thereof, whether or not shrink-wrapped for retail display, the foregoing other than such sets or combinations in leather cases or other immediate cases or containers (provided for in subheading 8214.20.90)	2.3%	No change	No change	On or before 12/31/2009	’’.

SEC. 1463. NITROCELLULOSE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.25.56	Cellulose nitrate (nitrocellulose) (CAS No. 9004–70–0) (provided for in subheading 3912.20.00)	4.4%	No change	No change	On or before 12/31/2009	’’.

SEC. 1464. SULFENTRAZONE TECHNICAL.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

‘‘	9902.25.57	N-[2,4-Dichloro-5-[4-(difluoromethyl)-4,5-dihydro-3-methyl-5-oxo-1H-1,2,4-triazol-1-yl]phenyl]methanesulfona- mide (Sulfentrazone) (CAS No. 122836–35–5) (provided for in subheading 2935.00.75)	1.2%	No change	No change	On or before 12/31/2009	’’.

SEC. 1465. CLOCK RADIO COMBOS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.58	Radiobroadcast receivers capable of operating without an external source of power, incorporating a clock or clock timer (provided for in subheading 8527.19.50)	0.7%	No change	No change	On or before 12/31/2009	”.

SEC. 1466. THIAMETHOXAM TECHNICAL.

(a) CALENDAR YEARS 2007–2008.—

(1) IN GENERAL.—Heading 9902.03.11 of the Harmonized Tariff Schedule of the United States (relating to Thiamethoxam Technical) is amended—

(A) by striking ‘‘3.0%’’ and inserting ‘‘Free’’; and

(B) by striking ‘‘12/31/2009’’ and inserting ‘‘12/31/2008’’.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2007.

(b) CALENDAR YEAR 2009.—

(1) IN GENERAL.—Heading 9902.03.11, as amended by subsection (a), is further amended—

(A) by striking ‘‘Free’’ and inserting ‘‘1.8%’’; and

(B) by striking ‘‘12/31/2008’’ and inserting ‘‘12/31/2009’’.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2009.

SEC. 1467. STAPLE FIBERS OF VISCOSE RAYON, NOT CARDED, COMBED, OR OTHERWISE PROCESSED FOR SPINNING.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.59	Staple fibers of viscose rayon, not carded, combed, or otherwise processed for spinning (provided for in subheading 5504.10.00)	3.4%	No change	No change	On or before 12/31/2009	”.

SEC. 1468. CERTAIN MEN’S FOOTWEAR COVERING THE ANKLE WITH COATED OR LAMINATED TEXTILE FABRICS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.60	Men’s footwear (except vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over $20/pair, covering the ankle, whose height from the bottom of the outer sole to the top of the upper does not exceed 8 inches (20.32 cm), designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6404.19.20)	12.8%	No change	No change	On or before 12/31/2009	”.

SEC. 1469. CERTAIN FOOTWEAR NOT COVERING THE ANKLE WITH COATED OR LAMINATED TEXTILE FABRICS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.61	Men’s footwear (except vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over $20/pair, not covering the ankle, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6404.19.20)	15.2%	No change	No change	On or before 12/31/2009	”.

SEC. 1470. ACRYLIC OR MODACRYLIC SYNTHETIC STAPLE FIBERS, NOT CARDED, COMBED, OR OTHERWISE PROCESSED FOR SPINNING.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.62	Acrylic or modacrylic staple fibers, not carded, combed, or otherwise processed for spinning (provided for in subheading 5503.30.00)	3.7%	No change	No change	On or before 12/31/2009	”.

SEC. 1471. CERTAIN WOMEN’S FOOTWEAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.63	Footwear for women with outer soles of rubber or plastics and uppers of textile materials other than of vegetable fibers, with open toes or open heels or of the slip-on type (provided for in subheading 6404.19.30)	1.5%	No change	No change	On or before 12/31/2009	”.

SEC. 1472. NUMEROUS OTHER SEALS MADE OF RUBBER OR SILICONE, AND COVERED WITH, OR REINFORCED WITH, A FABRIC MATERIAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.64	Seals of textile material or fabric covering or reinforcing a core of rubber or silicone, the foregoing designed for use in airplanes (provided for in subheading 5911.90.00)	3.0%	No change	No change	On or before 12/31/2009	”.

SEC. 1473. TETRAKIS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.65	Tetrakis(2,4-di-tert-butylphenyl) 4,4’-biphenyldiphosphinate (CAS No. 38613–77–3) (provided for in subheading 2931.00.30)	3.6%	No change	No change	On or before 12/31/2009	”.

SEC. 1474. GLYCINE, N,N-BIS[2-HYDROXY-3-(2-PROPENYLOXY)PROPYL]-, MONOSODIUM SALT, REACTION PRODUCTS WITH AMMONIUM HYDROXIDE AND PENTAFLUOROIODOETHANE-TETRAFLUOROETHYLENE TELOMER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.66	Glycine, N,N-bis[2-hydroxy-3-(2-propenyloxy)propyl]-, monosodium salt, reaction products with ammonium hydroxide and pentafluoroiodoethane-tetrafluoroethylene telomer (CAS number 220459–70–1) (provided for in subheading 3809.92.50)	1.1%	No change	No change	On or before 12/31/2009	”.

SEC. 1475. DIETHYL KETONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.67	Diethyl ketone (CAS No. 96–22–0) (provided for in subheading 2914.19.00)	1.3%	No change	No change	On or before 12/31/2009	”.

SEC. 1476. ACEPHATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.68	*O,S*-Dimethyl acetylphosphoramidothioate (Acephate) (CAS No. 30560–19–1) (provided for in subheading 2930.90.44)	1.8%	No change	No change	On or before 12/31/2009	”.

SEC. 1477. FLUMIOXAZIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.69	2-[7-Fluoro-3,4-dihydro-3-oxo-4-(2-propynyl)–2H-1,4-benzoxazin-6-yl]-4,5,6,7-tetrahydro-1H-isoindole-1,3(2H)-dione (Flumioxazin)(CAS No. 103361–09–7) (provided for in subheading 2934.99.15)	5.3%	No change	No change	On or before 12/31/2009	”.

SEC. 1478. GARENOXACIN MESYLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.70	1-Cyclopropyl-8-(difluoromethoxy)–7-[(1R)–1-methyl-2,3-dihydro-1H-5-isoindolyl]-4-oxo-1,4-dihydroquinoline-3-carboxylic acid monoethanesulfonate monohydrate (Garenoxacin mesylate) (CAS No. 223652–90–2) (provided for in subheading 2933.49.26)	3.1%	No change	No change	On or before 12/31/2009	”.

SEC. 1479. BUTYLATED HYDROXYETHYLBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.71	2,6-Di-*tert*-butyl-4-ethylphenol (CAS No. 4130–42–1) (provided for in subheading 2907.19.20)	2.7%	No change	No change	On or before 12/31/2009	”.

SEC. 1480. CERTAIN AUTOMOTIVE CATALYTIC CONVERTER MATS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.72	Catalytic converter mats of ceramic fibers containing over 65 percent by weight of aluminum oxide, the foregoing 4.7625 mm or more in thickness, in bulk, sheets or rolls and designed for motor vehicles of heading 8703 (provided for in subheading 6806.10.00)	1.5%	No change	No change	On or before 12/31/2009	”.

SEC. 1481. 3,3′-DICHLOROBENZIDINE DIHYDROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.73	3,3′-Dichlorobenzidine dihydrochloride ([1,1′-biphenyl]-4,4′-diamino, 3,3′-dichloro-) (CAS No. 612–83–9) (provided for in subheading 2921.59.80)	5.9%	No change	No change	On or before 12/31/2009	”.

SEC. 1482. TMC114.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.74	3-[4-Aminobenzensulfonyl)isobutylamino]-1-[benzyl-2-hydroxypropyl]carbamic acid, hexahydrofuro[2,3-b]furan-3-yl ester ethanolate (CAS No. 206361–99–1) (provided for in subheading 2932.99.61)	6.4%	No change	No change	On or before 12/31/2009	”.

SEC. 1483. BIAXIALLY ORIENTED POLYPROPYLENE DIELECTRIC FILM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.75	Biaxially oriented polypropylene film, certified by the importer as intended for use in capacitors and as produced from solvent-washed low ash content (<50 ppm) polymer resin (CAS No. 9003–07–0) (provided for in subheading 3920.20.00)	3.7%	No change	No change	On or before 12/31/2009	”.

SEC. 1484. BIAXIALLY ORIENTED POLYETHYLENE TEREPHTHALATE DIELECTRIC FILM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.76	Biaxially oriented polyethylene terephthalate film, certified by the importer as intended for use in capacitors and as produced from solvent-washed low ash content (<300 ppm) polymer resin (CAS No. 25038–59–9) (provided for in subheading 3920.62.00)	3.4%	No change	No change	On or before 12/31/2009	”.

SEC. 1485. CERTAIN BICYCLE PARTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.66	Child carriers, chain tension adjustors, chain covers, mechanical grips with 2.223 cm internal diameter, air horns, wide-angle reflectors, saddle covers of plastics, chain tensioners, toe clips, head sets or seat posts, all the foregoing designed for use on bicycles (provided for in subheading 8714.99.80)	9.2%	No change	No change	On or before 12/31/2009	”.

SEC. 1486. CERTAIN BICYCLE PARTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.69	Bicycle wheel rims (provided for in subheading 8714.92.10)	1.8%	No change	No change	On or before 12/31/2009	”.

SEC. 1487. BIFENTHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.72	(2-Methyl[1,1'-biphenyl]-3-yl)methyl-3-(2-chloro-3,3,3-trifluoro-1-propenyl)–2,2-dimethylcyclopropanecarboxylate (Bifenthrin) (CAS No. 82657–04–3) (provided for in subheading 2916.20.50)	0.7%	No change	No change	On or before 12/31/2009	”.

SEC. 1488. REDUCED VAT 1.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.92	Reduced Vat 1 (CAS No. 207692–02–2) (provided for in subheading 3204.15.40)	1.9%	No change	No change	On or before 12/31/2009	”.

SEC. 1489. 4-CHLOROBENZONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.24	p-Chlorobenzonitrile (CAS No. 623–03–0) (provided for in subheading 2926.90.14)	1.5%	No change	No change	On or before 12/31/2009	”.

SEC. 1490. NAIL CLIPPERS AND NAIL FILES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.25.52	Nail nippers and clippers and nail files (provided for in subheading 8214.20.30)	3.2%	No change	No change	On or before 12/31/2009	’’.

SEC. 1491. ELECTRIC AUTOMATIC SHOWER CLEANERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.98.08	Electromechanical bath or shower cleaner devices, each designed to dispense a dilute solution of bleach substitutes and detergents using a button-activated, battery-powered piston pump controlled by a microchip to release a measured quantity of such solution (provided for in subheading 8509.80.00)	2.1%	No change	No change	On or before 12/31/2009	’’.

SEC. 1492. MESOTRIONE TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.25.80	2-[4-(Methylsulfonyl)–2-nitrobenzoyl]-1,3-cyclohexanedione (Mesotrione) (CAS No. 104206–82–8) (provided for in subheading 2930.90.10)	6.04%	No change	No change	On or before 12/31/2006	’’.

SEC. 1493. CERTAIN CRANK-GEAR AND OTHER BICYCLE PARTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.24.70	Crank-gear and parts thereof (other than cotterless-type crank sets and parts thereof) (provided for in subheading 8714.96.90)	6.1%	No change	No change	On or before 12/31/2009	’’.

Subtitle B—Existing Suspensions and Reductions

SEC. 1501. EXTENSIONS OF EXISTING SUSPENSIONS AND OTHER MODIFICATIONS.

(a) EXTENSIONS.—Each of the following headings is amended by striking the date in the effective period column and inserting ‘‘12/31/2009’’:

(1) Heading 9902.02.29 (relating to 10,10′-oxybisphenoxarsine).

(2) Heading 9902.84.88 (relating to certain manufacturing equipment).

(3) Heading 9902.02.48 (relating to 1,5-Naphthalenedisulfonic acid, 2-[[8- [[4-[[3-[[[2-(ethenylsulfonyl)ethyl] amino]carbonyl]phenyl]amino]-6-fluoro-1,3,5-triazin- 2-yl]amino]-1-hydroxy- 3,6-disulfo-2-naphthalenyl]azo]-, tetrasodium salt (CAS No. 116912–36–8) (provided for in subheading 3204.16.30).

(4) Heading 9902.02.47 (relating to cuprate(3-), [2-[[[[3-[[4-[[2-[2- (ethenylsulfonyl)ethoxy]ethyl]amino]-6-fluoro-1,3,5-triazin-2-yl]amino]-2-(hydroxy-κ.o)-5-sulfophenyl]azo-κ.n2]phenylmethyl]azo-κ.n1]-4-sulfobenzoato(5-)-κ.o], trisodium).

(5) Heading 9902.02.44 (relating to 2,7-naphthalenedisulfonic acid, 5-[[4-chloro-6-[[2-[[4-fluoro-6-[[5-hydroxy-6-[(4-methoxy-2-sulfophenyl)azo]-7-sulfo-2-naphthalenyl]amino]-1,3,5-triazin-2-yl] amino]-1-methylethyl]amino]-1,3,5-triazin-2-yl]amino]-3-[[4-(ethenylsulfonyl)phenyl]azo]-4-hydrox′-, sodium salt).

(6) Heading 9902.02.46 (relating to 7,7′-[1,3-propanediylbis[imino(6-fluoro-1,3,5-triazine-4,2-diyl)imino[2-[(aminocarbonyl)amino]-4,1-phenylene]azo]]bis-, sodium salt).

(7) Heading 9902.03.79 (relating to thiophanate-methyl fungicide 70 percent wettable powder).

(8) Heading 9902.84.81 (relating to certain manufacturing equipment).

(9) Heading 9902.84.91 (relating to certain sawing machines).

(10) Heading 9902.84.85 (relating to certain extruders used in the production of radial tires).

(11) Heading 9902.84.83 (relating to certain manufacturing equipment).

(12) Heading 9902.28.20 (relating to ammonium bifluoride).

(13) Heading 9902.05.05 (relating to p-acetanisole).

(14) Heading 9902.04.15 (relating to mixture (1:1) of polyricinoleic acid homopolymer, 3-(dimethylamino)propylamide, dimethylsulfate, quaternized and polyricinoleic acid).

(15) Heading 9902.03.21 (relating to 12-hydroxyoctadecanoic acid, reaction product with *N*,*N*-dimethyl-1,3-propanediamine, dimethyl sulfate, quaternized).

(16) Heading 9902.03.24 (relating to 2-oxepanone, polymer with aziridine and tetrahydro-2H-pyran-2-one, dodecanoate ester).

(17) Heading 9902.02.49 (relating to p-(trifluoromethyl benzaldehyde)).

(18) Heading 9902.32.22 (relating to Pigment Red 187).

(19) Heading 9902.32.72 (relating to Solvent Blue 104).

(20) Heading 9902.29.73 (relating to 4-amino-2,5-dimethoxy-N-phenylbenzene sulfonamide).

(21) Heading 9902.02.25 (relating to electrical radio broadcast receivers not combined with a clock).

(22) Heading 9902.02.24 (relating to electrical radio broadcast receivers combined with a clock).

(23) Heading 9902.02.23 (relating to hand-held radio scanners).

(24) Heading 9902.01.36 (relating to sodium methylate powder).

(25) Heading 9902.01.41 (relating to allyl isosulfocyanate).

(26) Heading 9902.02.87 (relating to asulam sodium salt).

(27) Heading 9902.01.92 (relating to ink jet textile printing machinery).

(28) Heading 9902.04.21 (relating to Cyan 1 special liquid feed).

(29) Heading 9902.04.19 (relating to Fast Yellow 2 Stage).

(30) Heading 9902.29.91 (relating to methyl-4-trifluoromethoxyphenyl-*N*-(chlorocarbonyl)).

(31) Heading 9902.01.85 (relating to certain epoxy molding compounds).

(32) Heading 9902.01.14 (relating to 5-MPDC).

(33) Heading 9902.01.60 (relating to 2-mercaptoethanol).

(34) Heading 9902.01.61 (relating to bifenazate).

(35) Heading 9902.01.59 (relating to terrazole).

(36) Heading 9902.03.89 (relating to artichokes prepared or preserved otherwise than by vinegar or acetic acid, not frozen).

(37) Heading 9902.01.62 (relating to fluoropolymers containing 95 percent or more by weight of the 3 monomer units tetrafluoroethylene, hexafluoropropylene, and vinylidene fluoride).

(38) Heading 9902.33.63 (relating to 3-(ethylsulfonly)-2-pyridinesulfonamide).

(39) Heading 9902.03.22 (relating to 40 percent polymer acid salt/polymer amide 60 percent butyl acetate).

(40) Heading 9902.01.55 (relating to (Z)–(1RS,3RS)–3-(2-chloro-3,3,3-trifluoro-1-propenyl)–2,2-dimethylcyclopropanecarboxylic acid).

(41) Heading 9902.01.57 (relating to (S)-alpha-hydroxy-3-phenoxybenzeneacetonitrile).

(42) Heading 9902.02.98 (relating to polytetramethylene ether glycol).

(43) Heading 9902.02.99 (relating to cis-3-hexen-1-ol).

(44) Heading 9902.01.75 (relating to Acid Black 172).

(45) Heading 9902.01.76 (relating to 9,10-anthracenedione, 1,5-dihydroxy-4-nitro-8-(phenylamino) and 9,10-anthracenedione, 1,8-dihydroxy-4-nitro-5-(phenylamino)-).

(46) Heading 9902.05.22 (relating to fenpropathrin).

(47) Heading 9902.01.64 (relating to 2-azetidinone, 1-(4-fluorophenyl)–3-[(3S)–3-(4-fluorophenyl)–3-hydroxypropyl]-4-(4-hydroxyphenyl)-, (3R,4S)–(ezetimibe)).

(48) Heading 9902.01.38 (relating to p-methylacetophenone).
(49) Heading 9902.01.35 (relating to 2-phenylbenzimidazole-5-sulfonic acid).
(50) Heading 9902.05.04 (relating to methyl cinnamate).
(51) Heading 9902.01.43 (relating to thymol).
(52) Heading 9902.01.40 (relating to menthyl anthranilate).
(53) Heading 9902.01.42 (relating to 5-methyl-2-(methylethyl)cyclohexyl-2-hydroxypropanoate).
(54) Heading 9902.29.25 (relating to 2-phenylphenol).
(55) Heading 9902.38.10 (relating to mixtures of sodium salts).
(56) Heading 9902.01.47 (relating to helium).
(57) Heading 9902.03.87 (relating to certain 12V lead-acid storage batteries).
(58) Heading 9902.01.01 (relating to bitolylene diisocyanate (TODI)).
(59) Heading 9902.04.14 (relating to 1,1'-(methylimino) dipropan-2-ol).
(60) Heading 9902.28.01 (relating to thionyl chloride).
(61) Heading 9902.02.14 (relating to Mondur P).
(62) Heading 9902.02.16 (relating to P-phenylphenol).
(63) Heading 9902.32.12 (relating to DEMT).
(64) Heading 9902.02.15 (relating to Bayowet FT–248).
(65) Heading 9902.29.23 (relating to PNTOSA).
(66) Heading 9902.04.03 (relating to Baysilone Fluid).
(67) Heading 9902.32.62 (relating to iron chloro-5,6-diamino-1,3-naphthalenedisulfonate complexes).
(68) Heading 9902.32.85 (relating to bis(4-fluorophenyl) methanone).
(69) Heading 9902.29.37 (relating to polymethine photo-sensitizing dyes).
(70) Heading 9902.29.07 (relating to 4-hexylresorcinol).
(71) Heading 9902.85.42 (relating to certain cathode ray tubes).
(72) Heading 9902.85.41 (relating to certain cathode ray tubes).
(73) Heading 9902.32.14 (relating to 2-methyl-4,6-bis[(octylthio)methyl]phenol).
(74) Heading 9902.32.30 (relating to 4-[[4,6-bis(octylthio)–1,3,5-traizine-2-yl]amino]-2,6-bis(1,1-dimethylethyl)phenol).
(75) Heading 9902.03.51 (relating to Disperse Blue 77).
(76) Heading 9902.01.65 (relating to p-cresidine sulfonic acid).
(77) Heading 9902.01.66 (relating to 2,4 disulfo benzaldehyde).
(78) Heading 9902.01.68 (relating to benzenesulfonic acid, 3-[(ethylphenylamino) methyl]-).
(79) Heading 9902.01.67 (relating to m-hydroxybenzaldehyde).
(80) Heading 9902.02.38 (relating to 2 amino 5 sulfobenzoic acid).
(81) Heading 9902.02.37 (relating to 2-amino-6-nitrophenol-4-sulfonic acid).
(82) Heading 9902.02.39 (relating to 2,5 bis benzene sulfonic acid).
(83) Heading 9902.02.40 (relating to 4 [(4 amino phenyl) azo] benzene sulfonic acid, monosodium salt).
(84) Heading 9902.02.41 (relating to 4-[(4-aminophenyl) azo] benzenesulfonic acid).
(85) Heading 9902.05.03 (relating to trimethyl cyclo hexanol).
(86) Heading 9902.01.39 (relating to 2,2-dimethyl-3-(3-methylphenyl)proponal).
(87) Heading 9902.29.08 (relating to 3-amino-5-mercapto-1,2,4-triazole).
(88) Heading 9902.32.92 (relating to β-bromo-β-nitrostyrene).
(89) Heading 9902.32.90 (relating to diiodomethyl-*p*-tolylsulfone).
(90) Heading 9902.02.95 (relating to 2-propenoic acid, polymer with diethenylbenzene).
(91) Heading 9902.29.59 (relating to *N*-butyl-*N*-ethyl-α,α,α-trifluoro-2,6-dinitro-*p*-toluidine).
(92) Heading 9902.29.17 (relating to 2,6-dichloroaniline).
(93) Heading 9902.02.85 (relating to 3, 4-dichlorobenzonitrile).
(94) Heading 9902.29.58 (relating to *O*,*O*-diethyl phosphorochlorodothioate).
(95) Heading 9902.02.92 (relating to 1,2-benzenedicarboxaldehyde).
(96) Heading 9902.33.92 (relating to 2,2-dithiobis(8-fluoro-5-methoxy)–1,2,4-triazolo[1,5-*c*] pyrimidine).
(97) Heading 9902.29.26 (relating to 1,3-dimethyl-2-imidazolidinone).
(98) Heading 9902.02.96 (relating to N-[3-(1-ethyl-1-methylpropyl)–5-isoxazolyl]-2,6-dimethoxybenzamide (isoxaben)).
(99) Heading 9902.02.90 (relating to halofenozide).
(100) Heading 9902.02.89 (relating to propanamide, N-(3, 4-dichlorophenyl)-.
(101) Heading 9902.29.61 (relating to quinoline).
(102) Heading 9902.05.17 (relating to tebufenozide).
(103) Heading 9902.02.93 (relating to mixed isomers of 1,3-dichloropropene).
(104) Heading 9902.29.16 (relating to 4,4-dimethoxy-2-butanone).
(105) Heading 9902.02.94 (relating to methacrylamide).
(106) Heading 9902.32.87 (relating to fenbuconazole).
(107) Heading 9902.29.02 (relating to 2-acetylnicotinic acid).
(108) Heading 9902.29.06 (relating to diphenyl sulfide).
(109) Heading 9902.02.12 (relating to difenacanazole).
(110) Heading 9902.84.89 (relating to certain manufacturing equipment.

(b) EXTENSIONS AND OTHER MODIFICATIONS.—

(1) SNOWBOARD BOOTS.—Heading 9902.64.04 is amended—

(A) by striking the article description and inserting the following: ''Ski boots, cross country ski footwear or snowboard boots, the foregoing valued over $12/pair, with outer soles of rubber, plastics, leather or composition leather and uppers of textile materials (provided for in subheading 6404.11.90)'';

(B) by striking ''4%'' and inserting ''Free''; and

(C) by striking ''12/31/2006'' and inserting ''12/31/2009''.

(2) BENTAZON.—Heading 9902.05.10 (relating to Bentazon) is amended—

(A) by striking ''(bentazon, sodium salt)'' and inserting ''(Bentazon, sodium salt)''; and

(B) by striking ''12/31/2006'' and inserting ''12/31/2009''.

(3) METHYL N-(2-[[1-(4-CHLOROPHENYL)-1H-PYRAZOL-3-YL]-OXYMETHYL]PHENYL)-N-METHOXYCARBANOSE (PYRACLOSTROBIN).—Heading 9902.01.21 (relating to methyl *N*-(2-[[1-(4-chlorophenyl)-1H-pyrazol-3-yl]oxymethyl]phenyl)-*N*-methoxycarbanose (Pyraclostrobin)) is amended—

(A) by striking the article description and inserting the following: ''Methyl N-(2-[[1-(4-chlorophenyl)pyrazol-3-yl]oxymethyl]phenyl)-(N-methoxy)carbamate (Pyraclostrobin) (CAS No. 175013-18-0) (provided for in subheading 2933.19.23)'';

(B) by striking ''Free'' and inserting ''6%''; and

(C) by striking ''12/31/2006'' and inserting ''12/31/2009''.

(4) EXTENSION AND MODIFICATION RELATING TO COMBED CASHMERE.—

(A) IN GENERAL.—Heading 9902.03.01 (relating to yarn of combed Kashmir (cashmere) or yarn of camel hair) is amended by striking the date in the effective period column and inserting ''12/31/2009''.

(B) OTHER MODIFICATIONS.—Heading 9902.03.02 is amended—

(i) by striking ''of 6 run or finer (equivalent to 19.35 metric yarn system)'' and inserting ''of 19.35 metric yarn count or finer''; and

(ii) by striking ''12/31/2006'' and inserting ''12/31/2009''.

(5) FLUOROBENZENE.—Heading 9902.03.05 (relating to fluorobenzene) is amended—

(A) by striking ''2903.69.70'' and inserting ''2903.69.80''; and

(B) by striking ''12/31/2006'' and inserting ''12/31/2009''.

(6) CERTAIN NEUTRALIZED PHOSPHATED POLYESTER POLYMER.—Heading 9902.03.25 (relating to 50 percent amine neutralized phosphated polyester polymer) is amended—
(A) by striking ''50 percent solvesso 100'' and inserting ''in solvesso 100'';
(B) by striking ''P–99–1218,''; and
(C) by striking ''12/31/2006'' and inserting ''12/31/2009''.
(7) VINCLOZOLIN.—Heading 9902.01.19 (relating to Vinclozolin) is amended—
(A) by striking ''oxazolidineidione (vinclozolin)'' and inserting ''oxazolidinedione (Vinclozolin)''; and
(B) by striking ''12/31/2006'' and inserting ''12/31/2009''.
(8) FAST YELLOW 746 STAGE.—Heading 9902.04.26 (relating to Fast Yellow 746 Stage) is amended—
(A) by striking ''Bipyridirium'' and inserting ''Bipyridinium'';
(B) by inserting ''(Fast Yellow 746 Stage)'' after ''salt''; and
(C) by striking ''12/31/2006'' and inserting ''12/31/2009''.
(9) YELLOW 1 STAGE.—Heading 9902.04.24 (relating to Yellow 1 Stage) is amended—
(A) by inserting ''(Yellow 1 Stage)'' after ''salt''; and
(B) by striking ''12/31/2006'' and inserting ''12/31/2009''.
(10) MAGENTA 3B–OA STAGE.—Heading 9902.04.28 (relating to magenta 3B–OA stage) is amended—
(A) by inserting ''(Magenta 3B–OA Stage)'' after ''salts''; and
(B) by striking ''12/31/2006'' and inserting ''12/31/2009''.
(11) CERTAIN ARTICHOKES.—Heading 9902.03.90 (relating to artichokes prepared or preserved by vinegar or acetic acid) is amended—
(A) by striking ''7.5%'' and inserting ''7.9%''; and
(B) by striking ''12/31/2006'' and inserting ''12/31/2009''.
(12) TEXTURED ROLLED GLASS SHEETS.—Heading 9902.70.03 (relating to textured rolled glass sheets) is amended—
(A) by striking ''Free'' and inserting ''0.7%''; and
(B) by striking ''12/31/2003'' and inserting ''12/31/2009''.
(13) MAGNESIUM ALUMINUM HYDROXIDE CARBONATE HYDRATE.—Heading 9902.05.32 is amended—
(A) by inserting ''(CAS No. 12539-23-0)'' after ''organic fatty acid''; and
(B) by striking ''12/31/2006'' and inserting ''12/31/2009''.
(14) MIXTURES OF SODIUM SALTS.—Heading 9902.29.83 is amended—
(A) by inserting '', whether or not in water'' after ''iminodisuccinic acid''; and
(B) by striking ''12/31/2006'' and inserting ''12/31/2009''.
(15) A CERTAIN ULTRAVIOLET DYE.—Heading 9902.28.19 is amended—
(A) by inserting ''(CAS No. 313482-99-4)'' after ''-methyl ester''; and
(B) by striking ''12/31/2006'' and inserting ''12/31/2009''.
(16) CARFENTRAZONE.—Heading 9902.01.54 is amended—
(A) by striking ''4.9%''and inserting ''Free''; and
(B) by striking ''12/31/2006'' and inserting ''12/31/2009''.
(17) CERTAIN EDUCATIONAL DEVICES.—Heading 9902.85.43 is amended—
(A) by striking ''1.67%'' and inserting ''0.55%''; and
(B) by striking ''12/31/2006'' and inserting ''12/31/2009''.
(18) CYHALOFOP.—Heading 9902.02.86 is amended—
(A) by striking ''Free'' and inserting ''1.5%''; and
(B) by striking ''12/31/2006'' and inserting ''12/31/2009''.
(19) α,α,α-TRIFLUORO-2,6-DINITRO-*p*-TOLUIDINE.—Heading 9902.05.33 is amended—
(A) by striking ''Free'' and inserting ''2.6%''; and
(B) by striking ''12/31/2006'' and inserting ''12/31/2009''.
(20) CERTAIN MIXTURES OF FLORASULAM.—Heading 9902.02.88 is amended—
(A) by striking ''Free'' and inserting ''1.5%''; and
(B) by striking ''12/31/2006'' and inserting ''12/31/2009''.
(21) METHOXYFENOZIDE.—Heading 9902.32.93 is amended—
(A) by striking ''Free'' and inserting ''1.0%''; and
(B) striking ''12/31/2006'' and inserting ''12/31/2009''.
(22) MYCLOBUTANIL.—Heading 9902.02.91 is amended—
(A) by striking ''1.9%'' and inserting ''3.0%''; and
(B) by striking ''12/31/2006'' and inserting ''12/31/2009''.
(23) FLUOROXYPYR.—Heading 9902.29.77 is amended—
(A) by striking ''1.5%'' and inserting ''2.5%''; and
(B) by striking ''12/31/2006'' and inserting ''12/31/2009''.
(24) PRO-JET BLACK 263 STAGE.—Heading 9902.03.09 is amended—
(A) by striking the article description and inserting ''[[Substituted naphthalenylazol] alkoxyl phenyl azo] carboxyphenylene, lithium salt (PMN No. P–00–351) (provided for in subheading 3204.14.30)''; and
(B) by striking ''12/31/2006'' and inserting ''12/31/2009''.
(25) ETHALFLURALIN.—Heading 9902.30.49 is amended—
(A) by inserting ''(Ethalfluralin)'' after ''benzenamine''; and
(B) by striking ''12/31/2006'' and inserting ''12/31/2009''.
(26) DIRECT BLACK 175.—Heading 9902.03.56 is amended by striking ''subheading 3204.12.50'' and inserting ''subheading 3204.14.50''.
(27) CERTAIN ORGANIC PIGMENTS AND DYES.—Heading 9902.32.07 is amended—
(A) by inserting '', and excluding the dyestuff bearing the CAS No. 6359-10-0'' after ''fluorescent pigments and dyes''; and
(B) by striking ''12/31/2006'' and inserting ''12/31/2009''.
(28) COPPER 8-HYDROXYQUINOLINE (OXINE COPPER).—Heading 9902.02.31 is amended—
(A) in the article description, by striking ''Copper 8-quinolinolate (oxine copper)'' and inserting ''Copper 8-hydroxyquinoline (oxine copper)''; and
(B) by striking ''12/31/2006'' and inserting ''12/31/2009''.

Subtitle C—Effective Date

SEC. 1511. EFFECTIVE DATE.

Except as otherwise provided in this title, the amendments made by this title apply to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

TITLE II—RELIQUIDATIONS

SEC. 2001. RELIQUIDATION OF CERTAIN ENTRIES OF CERTAIN SMALL DIAMETER CARBON AND ALLOY SEAMLESS STANDARD, LINE AND PRESSURE PIPE FROM ROMANIA.

(a) RELIQUIDATION OF ENTRIES.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520) or any other provision of law, the Bureau of Customs and Border Protection shall, not later than 90 days after the date of the enactment of this Act—
(1) reliquidate the entries of certain small diameter carbon and alloy seamless standard, line and pressure pipe from Romania produced by S.C. Silcotub S.A. (Silcotub), imported by Duferco Steel, Inc., listed in subsection (b) in accordance with the final results of the antidumping duty administrative review of the Department of Commerce (68 Fed. Reg. 12672 (March 17, 2003)) and Message No. 3087205, dated March 28, 2003, issued by the Bureau of Customs and Border Protection; and
(2) refund any antidumping duties with interest which were previously paid on such entries not later than 90 days after the date of reliquidation.

(b) AFFECTED ENTRIES.—The entries referred to in subsection (a) are the following:

Entry number	Date of entry	Port
558–1171537–8 ..	01/20/01	Houston
558–2014403–2 ..	07/24/00	Mobile

SEC. 2002. CERTAIN ENTRIES OF PASTA.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the Bureau of Customs and Border Protection of the Department of Homeland Security shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) in accordance with Department of Commerce case A–475–818 for the period 7/1/2001 through 6/30/2002 under Customs Service message numbered 4068201.

(b) REQUESTS.—Liquidation or reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Bureau of Customs and Border Protection within 90 days after the date of the enactment of this Act.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) ENTRIES.—The entries referred to in subsection (a) are the following:

Entry number	Date of entry	Date of liquidation	Entry number	Date of entry	Date of liquidation	Entry number	Date of entry	Date of liquidation
FD630105373	07/06/2001	11/22/2002	FD630114128	08/15/2001	11/22/2002	FD630133987	11/29/2001	11/22/2002
FD630105399	07/06/2001	11/22/2002	FD630114110	08/21/2001	11/22/2002	FD630134043	12/05/2001	11/22/2002
FD630105415	07/06/2001	11/22/2002	FD630116537	08/22/2001	11/22/2002	FD630136972	12/14/2001	11/22/2002
FD630110282	07/26/2001	11/22/2002	FD630122402	09/26/2001	11/22/2002	FD630136998	12/14/2001	11/22/2002
FD630110274	07/26/2001	11/22/2002	FD630123533	10/03/2001	11/22/2002	FD630136980	12/14/2001	11/22/2002
FD630110860	07/30/2001	11/22/2002	FD630126577	10/17/2001	11/22/2002	FD630137806	12/14/2001	11/22/2002
FD630112338	08/09/2001	11/22/2002	FD630129712	10/31/2001	11/22/2002	FD630137822	12/27/2001	11/22/2002
FD630115208	08/15/2001	11/22/2002	FD630132088	11/20/2001	11/22/2002	FD630137814	12/27/2001	11/22/2002

SEC. 2003. CLARIFICATION OF RELIQUIDATION PROVISION.

(a) INCLUSION OF INTEREST.—The term ''any amounts owed'' in section 1511(b) of the Miscellaneous Trade and Technical Corrections Act of 2004 (118 Stat. 2542; Public Law 108–429), includes interest accrued from the date of deposit of duties made in connection with entries described in section 1511(c) of that Act, to the date of the reliquidation of the entries pursuant to section 1511 of that Act.

(b) RELIQUIDATIONS WITH INTEREST.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, to the extent that the entries listed in section 1511(d) of the Act referred to in subsection (a) were reliquidated by the Bureau of Customs and Border Protection, before the date of the enactment of this Act, without the payment of interest required under subsection (a), the Bureau shall, within 90 days after the date of the enactment of this Act, reliquidate the affected entries with the interest required under subsection (a), calculated at the interest rates provided for in section 505(c) of the Tariff Act of 1930 (19 U.S.C. 1505(c)).

SEC. 2004. RELIQUIDATION OF CERTAIN DRAWBACK CLAIM.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the Bureau of Customs and Border Protection shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claim described in subsection (c).

(b) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claim described in subsection (c) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(c) DRAWBACK CLAIM.—The drawback claim referred to in subsection (a) is the following: drawback claim number, AA6–0303556–6, filed on December 2, 1997.

SEC. 2005. PAYMENT OF INTEREST ON AMOUNTS OWED PURSUANT TO RELIQUIDATION OF CERTAIN ENTRIES.

(a) AMENDMENTS.—Sections 1404(b), 1405(b), and subsection (c) of each of sections 1408 through 1411 of the Tariff Suspension and Trade Act of 2000 (Public Law 106-476; 19 U.S.C. 1654 note) and subsection (c) of each of sections 1517 through 1536 of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108-429; 19 U.S.C. 1654 note) are amended by inserting '', with interest provided for by law on the liquidation or reliquidation of the entries,'' after ''under subsection (a)''.

(b) RELIQUIDATION AND PAYMENT OF INTEREST.—Not later than 90 days after the date of the enactment of this Act, the Commissioner of the Bureau of Customs and Border Protection of the Department of Homeland Security shall—

(1) reliquidate each of the entries specified in the provisions of law amended by subsection (a); and

(2) provide payment of interest owed by the United States by reason of the amendments made by subsection (a) for the period beginning on the date of deposit of estimated duties and ending on the date of reliquidation under paragraph (1).

TITLE III—TECHNICAL CORRECTIONS AND OTHER PROVISIONS

Subtitle A—Technical Corrections

SEC. 3001. AMENDMENTS TO THE HTS.

(a) CORRECTIONS TO THE COLUMN 1 SPECIAL RATE OF DUTY COLUMN.—Each of the following headings is amended by striking ''Free'' in the column 1 special rate of duty column and inserting ''No change'':

(1) Heading 9902.01.59.
(2) Heading 9902.01.60.
(3) Heading 9902.01.61.
(4) Heading 9902.01.86.
(5) Heading 9902.01.87.
(6) Heading 9902.01.90.
(7) Heading 9902.01.91.
(8) Heading 9902.03.20.
(9) Heading 9902.03.40.
(10) Heading 9902.03.41.
(11) Heading 9902.03.43.
(12) Heading 9902.04.05.
(13) Heading 9902.04.06.
(14) Heading 9902.04.07.
(15) Heading 9902.05.18.
(16) Heading 9902.05.19.
(17) Heading 9902.05.21.
(18) Heading 9902.05.35.
(19) Heading 9902.28.01.
(20) Heading 9902.29.03.

(b) CORRECTIONS TO THE COLUMN 2 RATE OF DUTY COLUMN.—Each of the following headings is amended by striking ''Free'' in the column 2 rate of duty column and inserting ''No change'':

(1) Heading 9902.03.78.
(2) Heading 9902.05.08.
(3) Heading 9902.05.09.
(4) Heading 9902.05.10.

(c) ADDITIONAL CORRECTIONS.—

(1) The article description for heading 9902.01.12 is amended—

(A) by striking ''32846–21–2), acid red'' and inserting ''66786–14–5), acid red''; and

(B) by striking ''67786–14–5) (provided for'' and inserting ''32846–21–2) (provided for''.

(2) Heading 9902.01.49 is amended to read as follows:

''	9902.01.49	(S)-α,-Cyano-3-phenoxybenzyl (1R,3R)-3-(2,2-dibromovinyl)-2,2-dimethylcyclo- propanecarb- oxylate (Deltamethrin) (CAS No. 52918–63–5) in bulk or unmixed in forms or packings for retail sale (provided for in subheading 2926.90.30 or 3808.10.25).	Free	No change	No change	On or before 12/31/2009	''.

(3) The article description for heading 9902.01.61 is amended by striking ''methoxy-[1,1-'' and inserting ''methoxy-[1,1′-''.

(4) The article description for heading 9902.01.69 is amended—

(A) by striking ''2-8 percent water'' and inserting ''2-8 percent by weight of water''; and

(B) by striking ''denier'' and inserting ''decitex''.

(5) The article description for heading 9902.01.75 is amended—

(A) by striking ''Acid black 194'' and inserting ''Acid Black 172''; and

(B) by striking ''subheading 3204.12.20'' and inserting ''subheading 3204.12.45''.

(6) The article description for heading 9902.01.90 is amended by striking ''between 4 and 68'' and inserting ''from 4 through 68''.

(7) The article description for heading 9902.01.91 is amended by striking ''between 4 and 68'' and inserting ''from 4 through 68''.

(8) Heading 9902.02.17 is amended to read as follows:

"	9902.02.17	Boots with outer soles and uppers of rubber, extending above the ankle but below the knee, specifically designed for horseback riding, and having a spur rest on the heel counter (provided for in subheading 6401.92.90)	Free	No change	No change	On or before 12/31/2009	".

(9) The article description for heading 9902.02.28 is amended—

(A) by striking "polymide" and inserting "polyimide"; and

(B) by striking "3911.90.35 or".

(10) The article description for heading 9902.02.59 is amended by striking "A mixture" and inserting "Mixture".

(11) The article description for heading 9902.02.65 is amended—

(A) by striking "bis(3" and inserting "bis(3′"; and

(B) by striking "4-amino-)" and inserting "4-amino-))".

(12) The article description for headings 9902.84.81, 9902.84.83, 9902.84.85, 9902.84.88, and 9902.84.89 are each amended—

(A) by inserting "4011.62.00," after "4011.61.00,"; and

(B) by striking "or parts thereof" and inserting "and parts thereof".

(13) The article description for heading 9902.03.40 is amended by striking "subheading 2835.29.50" and inserting "subheading 2931.00.30".

(14) Heading 9902.03.60 (relating to acid black 172) is repealed.

(15) The article description for heading 9902.03.99 is amended by striking "subheading 2933.99.12" and inserting "subheading 2933.99.22".

(16) Heading 9902.04.02 is amended to read as follows:

"	9902.04.02	Polysiloxane, dimethyl (CAS No. 63148–62–9) solution, greater than 85 percent, with less than 15 percent paraffin (mineral) oil (CAS No 8042–47–5), less than 5 percent magnesium stearate (CAS No. 557–04–0) and less than 5 percent finely dispersed metal ethoxylated phosphoric ester (provided for in subheading 3910.00.00)	Free	No change	No change	On or before 12/31/2006	".

(17) Heading 9902.05.21 is repealed.

(18) Heading 9902.05.29 is amended to read as follows:

"	9902.05.29	3-[2-Chloro-4-(trifluoromethyl)-phenoxy]benzoic acid, sodium salt (CAS No. 95251–52–8) (provided for in subheading 2918.90.43)	Free	No change	No change	On or before 12/31/2006	".

(19) Heading 9902.29.26 is amended by striking the chemical name in the article description and inserting "1,3-Dimethyl-2-imidazolidinone".

(20) The article description for heading 9902.84.14 (relating to ceiling fans) is amended by striking "8414.51.00" and inserting "8414.51.30".

(21) The article description for heading 9902.86.11 is amended by striking "specifications each, having" and inserting "specifications, each having".

SEC. 3002. TECHNICAL CORRECTION TO THE TARIFF ACT OF 1930.

Section 516A(g)(1)(B) of the Tariff Act of 1930 (19 U.S.C. 151a(g)(1)(B)) is amended by striking "or (vi)" and inserting "(vi), or (vii)".

SEC. 3003. AMENDMENTS TO THE PENSION PROTECTION ACT OF 2006.

(a) IN GENERAL.—Subtitle A of chapter 1 of title XIV of the Pension Protection Act of 2006 (Public Law 109–280) is amended—

(1) in section 1412—

(A) by striking "vehicles provided for in" and inserting "vehicles of"; and

(B) by striking "in that" and inserting "over";

(2) in section 1413, by amending the article description to read as follows: "Acrylic or modacrylic filament tow (provided for in subheading 5501.30.00)";

(3) in section 1414, by amending the article description to read as follows: "Acrylic or modacrylic staple fibers, carded combed or otherwise processed for spinning (provided for in subheading 5506.30.00)";

(4) in section 1418, by striking "vinegar" and inserting "vinegar,";

(5) in section 1420, by striking "vinegar" and inserting "vinegar,";

(6) in section 1433, by striking "90–04–4" and inserting "90–04–0";

(7) in section 1456, by striking "2929.90.20" and inserting "2928.00.25";

(8) in section 1510, by inserting "in solvents" after "Hexane, 1,6-diisocyanato-, homopolymer, 3,5-dimethyl-1H-pyrazole-blocked";

(9) in section 1511, by amending the article description to read as follows: "Polyisocyanate cross linking agent products containing triphenylmethane triisocyanate in solvents (provided for in subheading 3824.90.28)";

(10) in section 1518, by striking "4402.12.80" and inserting "4202.12.80";

(11) in section 1542, by striking "hair" and inserting "hair,";

(12) in section 1548, by striking "10^{7}" and inserting "10^{-7}";

(13) in section 1549, by striking "10^{7}" and inserting "10^{-7}";

(14) in section 1555, by striking "2933.39.91" and inserting "2933.39.20";

(15) in section 1572, by striking ", rubber, or synthetic" and inserting "or rubber";

(16) in section 1597—

(A) in the heading, by striking "**work footwear**" and inserting "**house slippers**"; and

(B) by striking "; Sports footwear; tennis shoes, basketball shoes, gym shoes, training shoes and the like, all the foregoing with outer soles of rubber or plastics and uppers of textile materials for women (provided for in subheading 6404.11.20)";

(17) in section 1598, by striking "50 mm" and inserting "60 mm";

(18) in section 1605—

(A) in the article description, by striking "Device" and inserting "Display"; and

(B) in the heading, by striking "**device**" and inserting "**display**";

(19) in section 1606—

(A) in subsection (a), by striking "facilities" and inserting "facilities,"; and

(B) in subsection (b), by striking "reactors" and inserting "reactors,";

(20) by adding at the end of such subtitle the following:

"SEC. 1607. CERTAIN SPORTS FOOTWEAR FOR WOMEN.

"Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.90.01	Sports footwear; tennis shoes, basketball shoes, gym shoes, training shoes and the like, all the foregoing with outer soles of rubber or plastics and uppers of textile materials for women (provided for in subheading 6404.11.20)	Free	No change	No change	On or before 12/31/2009	"

; and

(21) in section 1621, by striking "December 31, 2006" and inserting "March 31, 2007".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply as if included in the enactment of the Pension Protection Act of 2006 (Public Law 109–280).

SEC. 3004. NMSBA

(a) IN GENERAL.—Section 1434 (b) and (c) of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108–429; 118 Stat. 2524) are amended to read as follows:

"(b) CALENDAR YEAR 2005.—

"(1) IN GENERAL.—Heading 9902.05.30, as added by subsection (a), is amended—

"(A) by striking "0.28%" and inserting "0.16%"; and

"(B) by striking "On or before 12/31/2004" and inserting "On or before 12/31/2005".

"(2) APPLICABILITY.—The amendments made by paragraph (1) shall apply to goods entered on or after January 1, 2005, and before January 1, 2006.

"(c) CALENDAR YEARS 2006 THROUGH 2008.—

"(1) IN GENERAL.—Heading 9902.05.30, as added by subsection (a) and amended by subsection (b), is further amended—

"(A) by striking "0.16%" and inserting "1.1%"; and

"(B) by striking "On or before 12/31/2005" and inserting "on or before 12/31/2008".

"(2) APPLICABILITY.—The amendments made by paragraph (1) shall apply to goods entered on or after January 1, 2006.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section shall take effect as if included in the enactment of section 1434 of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108–429).

(2) RETROACTIVE APPLICATION.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Bureau of Customs and Border Protection before the 90th day after the date of the enactment of this Act, any entry, or withdrawal from warehouse for consumption, of any good—

(A) that was made on or after January 1, 2005 and before the date of the enactment of this Act; and

(B) with respect to which there would have been a lower rate of duty if the amendment made by this subsection applied to such entry or withdrawal, shall be liquidated or reliquidated as if such amendment applied to such entry or withdrawal.

SEC. 3005. CERTAIN MONOCHROME GLASS ENVELOPES.

(a) AMENDMENT TO SUBHEADING 7011.20.40.—The article description of subheading 7011.20.40 is amended to read as follows: ''Monochrome glass envelopes, the foregoing certified by the importer as being for actual use in automatic data processing machine data or graphic display cathode ray tubes''.

(b) CONFORMING AMENDMENTS.—(1) Subheading 7011.20.40, as amended by subsection (a), is redesignated as subheading 7011.20.45.

(2) Subheading 7011.20.80 is redesignated as subheading 7011.20.85.

(3) Heading 9902.02.97 is amended in the article description column by striking ''7011.20.80'' and inserting ''7011.20.85''.

(c) STAGED RATE REDUCTIONS.—Any staged rate reduction of a rate of duty proclaimed by the President before the date of the enactment of this Act, that—

(1) would take effect on or after such date of enactment; and

(2) would, but for the amendment made by subsection (b)(2), apply to subheading 7011.20.80,

applies to the corresponding rate of duty set forth in subheading 7011.20.85 (as added by subsection (b)(2)).

SEC. 3006. FLEXIBLE MAGNETS AND COMPOSITE GOODS CONTAINING FLEXIBLE MAGNETS.

(a) IN GENERAL.—Chapter 85 is amended by striking subheadings 8505.19.10, 8505.19.20, and 8505.19.30 and inserting the following new subheadings, with the article description for subheading 8505.19 having the same degree of indentation as the article description for subheading 8505.11.00:

''	8505.19	Other:				
	8505.19.10	Flexible magnets	4.9%	Free (A, AU, BH, CA, CL, E, IL, J, JO, MA, MX, P, SG)	45%	
	8505.19.20	Composite goods containing flexible magnets	4.9%	Free (A, AU, BH, CA, CL, E, IL, J, JO, MA, MX, P, SG)	45%	
	8505.19.30	Other	4.9%	Free (A, AU, BH, CA, CL, E, IL, J, JO, MA, MX, P, SG)	45%	''.

(b) STAGED RATE REDUCTIONS.—Any staged reduction of a rate of duty proclaimed by the President before the date of the enactment of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108–429), that—

(1) takes effect on or after such date of enactment; and

(2) would, but for the amendment made by this section, apply to subheading 8505.19, applies to the corresponding rate of duty set forth in subheadings 8505.19.10, 8505.19.20, and 8505.19.30 of such Schedule (as added by subsection (a)).

(c) APPLICABILITY.—The amendments made by this section shall take effect as if included in the enactment of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108–429).

SEC. 3007. CELLAR TREATMENT OF WINE.

Section 5382(a)(1)(A) of the Internal Revenue Code of 1986 (relating to cellar treatment of natural wine) is amended by striking ''stabilize'' and inserting ''correct or stabilize''.

Subtitle B—Other Provisions

SEC. 3011. CONSIDERATION OF CERTAIN CIVIL ACTIONS DELAYED BECAUSE OF THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001.

(a) IN GENERAL.—Notwithstanding any period of limitations, lapse of time, or any other provision of law, the United States Court of International Trade shall treat any civil action contesting the denial of a protest described in subsection (b) as having been filed in accordance with section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) and within the time limit provided in section 2636 of title 28, United States Code.

(b) AFFECTED PROTESTS.—The protests referred to in subsection (a) are as follows:

Entry Number	Protest Number	Protest Date	Denial Date
2704-442-1562415-4	2704.01.100001	12/22/00	03/23/01
2704-442-1559965-3	2704.00.103269	12/12/00	03/23/01
2704-442-1561096-3	2704.00.103270	12/12/00	03/23/01
2704-442-1562411-3	2704.01.100002	12/22/00	03/23/01
2704-442-1562408-9	2704.01.100003	12/22/00	03/23/01
2704-442-1562416-2	2704.01.100009	12/22/00	03/23/01
2704-442-1564132-3	2704.01.100033	01/03/01	03/23/01
2704-442-1564387-3	2704.01.100034	01/03/01	03/23/01
2704-442-1564389-9	2704.01.100035	01/03/01	03/23/01
2704-442-1564390-7	2704.01.100036	01/03/01	03/23/01
2704-442-1564870-8	2704.01.100038	01/03/01	03/23/01
2704-442-1565099-3	2704.01.100039	01/03/01	03/23/01
2704-442-1563549-9	2704.01.100042	01/03/01	03/23/01
2704-442-1554152-3	2704.01.100043	12/22/00	03/23/01
2704-442-1562418-8	2704.01.100072	12/22/00	03/27/01
2704-442-1562419-6	2704.01.100073	12/22/00	03/27/01
2704-442-1562872-6	2704.01.100074	12/22/00	03/27/01
2704-442-1570239-8	2704.01.100392	02/09/01	03/23/01
2704-442-1570423-8	2704.01.100400	02/06/01	03/27/01
2704-442-1570431-1	2704.01.100401	02/06/01	03/27/01
2704-442-1571191-0	2704.01.100403	02/06/01	04/05/01
2704-442-1565424-3	2704.01.100411	02/05/01	03/27/01
2704-442-1565513-3	2704.01.100422	02/05/01	03/26/01
2704-442-1565516-6	2704.01.100423	02/05/01	03/23/01
2704-442-1565518-2	2704.01.100424	02/05/01	03/23/01
2704-442-1566265-9	2704.01.100425	02/05/01	03/23/01
2704-442-1567197-3	2704.01.100427	02/05/01	03/23/01
2704-442-1573049-8	2704.01.100723	03/13/01	04/05/01
2704-442-1572011-9	2704.01.100725	03/13/01	04/05/01

Entry Number	Protest Number	Protest Date	Denial Date
2704-442-1572003-6	2704.01.100726	03/13/01	04/05/01
2704-442-1572000-2	2704.01.100727	03/13/01	04/05/01
2704-442-1571470-8	2704.01.100728	03/13/01	04/05/01

SEC. 3012. EFFECTIVE DATE OF MODIFICATIONS TO THE HARMONIZED TARIFF SCHEDULE.

Section 1206(c) of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 3006(c)) is amended by striking ''15th'' and inserting ''30th''.

TITLE IV—EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO THE PRODUCTS OF VIETNAM

SEC. 4001. FINDINGS.

Congress finds the following:

(1) In July 1995, President Bill Clinton announced the formal normalization of diplomatic relations between the United States and Vietnam.

(2) Vietnam has taken cooperative steps with the United States under the United States Joint POW/MIA Accounting Command (formerly the Joint Task Force-Full Accounting) established in 1992 by President George H.W. Bush to provide the fullest possible accounting of MIA and POW cases.

(3) In 2000, the United States and Vietnam concluded a bilateral trade agreement that included commitments on goods, services, intellectual property rights, and investment. The agreement was approved by joint resolution enacted pursuant to section 405(c) of the Trade Act of 1974 (19 U.S.C. 2435(c)), and entered into force in December 2001.

(4) Since 2001, normal trade relations treatment has consistently been extended to Vietnam pursuant to title IV of the Trade Act of 1974.

(5) Vietnam has undertaken significant market-based economic reforms, including the reduction of government subsidies, tariffs and nontariff barriers, and extensive legal reform. These measures have dramatically improved Vietnam's business and investment climate.

(6) Vietnam has completed its negotiations to join the World Trade Organization (WTO). On May 31, 2006, the United States and Vietnam signed a comprehensive bilateral agreement providing greater market access for goods and services and other trade liberalizing commitments. On November 7, 2006, the WTO General Council approved Vietnam's membership. Vietnam's National Assembly ratified Vietnam's WTO accession commitments on November 28, 2006, and Vietnam will become the 150th Member of the WTO 30 days thereafter.

(7) On November 13, 2006, the Department of State removed Vietnam from its list of Countries of Particular Concern (CPC) for severe violations of religious freedom. In reaching this determination, the Department of State cited significant improvements in Vietnam toward advancing religious freedom, though problems remain that merit immediate attention and important work remains to be done to fully protect religious freedom in Vietnam.

SEC. 4002. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO VIETNAM.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSION OF NON-DISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to Vietnam; and

(2) after making a determination under paragraph (1) with respect to Vietnam, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(b) TERMINATION OF THE APPLICABILITY OF TITLE IV.—On and after the effective date of the extension of nondiscriminatory treatment to the products of Vietnam under subsection (a), title IV of the Trade Act of 1974 shall cease to apply to that country.

SEC. 4003. PROCEDURE FOR DETERMINING PROHIBITED SUBSIDIES BY VIETNAM.

(a) AUTHORITY OF TRADE REPRESENTATIVE.—The Trade Representative may conduct proceedings under this section to determine whether the Government of Vietnam is providing, on or after the date on which Vietnam accedes to the World Trade Organization, a prohibited subsidy to its textile or apparel industry, if such proceedings are begun, and consultations under section 4004 are initiated, during the 1-year period beginning on the date on which Vietnam accedes to the World Trade Organization.

(b) PETITIONS.—

(1) FILING.—Any interested person may file a petition with the Trade Representative requesting that the Trade Representative make a determination under subsection (a). The petition shall set forth the allegations in support of the request.

(2) REVIEW BY TRADE REPRESENTATIVE.—The Trade Representative shall review the allegations in any petition filed under paragraph (1) and, not later than 20 days after the date on which the Trade Representative receives the petition, shall determine whether to initiate proceedings to make a determination under subsection (a).

(3) PROCEDURES.—

(A) DETERMINATION TO INITIATE PROCEEDINGS.—If the Trade Representative makes an affirmative determination under paragraph (2) with respect to a petition, the Trade Representative shall publish a summary of the petition in the Federal Register and notice of the initiation of proceedings under this section.

(B) DETERMINATION NOT TO INITIATE PROCEEDINGS.—If the Trade Representative determines not to initiate proceedings with respect to a petition, the Trade Representative shall inform the petitioner of the reasons therefor and shall publish notice of the determination, together with a summary of those reasons, in the Federal Register.

(c) INITIATION OF PROCEEDINGS BY OTHER MEANS.—If the Trade Representative determines, in the absence of a petition, that proceedings should be initiated under this section, the Trade Representative shall publish in the Federal Register that determination, together with the reasons therefor, and notice of the initiation of proceedings under this section.

SEC. 4004. CONSULTATIONS UPON INITIATION OF INVESTIGATION.

If the Trade Representative initiates a proceeding under subsection (b)(3)(A) or (c) of section 4003, the Trade Representative, on behalf of the United States, shall, on the day on which notice thereof is published under the applicable subsection, so notify the Government of Vietnam and request consultations with that government regarding the subsidy.

SEC. 4005. PUBLIC PARTICIPATION AND CONSULTATION.

(a) PUBLIC PARTICIPATION.—In the notice published under subsection (b)(3)(A) or (c) of section 4003, the Trade Representative shall provide an opportunity to the public for the presentation of views concerning the issues—

(1) within the 30-day period beginning on the date of the notice (or on a date after such period if agreed to by the petitioner), or

(2) at such other time if a timely request therefor is made by the petitioner or by any interested person,

with a public hearing if requested by an interested person.

(b) CONSULTATION.—The Trade Representative shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, and with the appropriate advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155), with respect to whether to initiate proceedings under section 4003 and, if proceedings are conducted, with respect to making the determination under subsection (c).

(c) DETERMINATION.—After considering all comments submitted, and within 30 days after the close of the comment period under subsection (a), the Trade Representative shall determine whether the Government of Vietnam is providing, on or after the date on which Vietnam accedes to the World Trade Organization, a prohibited subsidy to its textile or apparel industry. The Trade Representative shall publish that determination in the Federal Register, together with the justification for the determination.

(d) RECORD.—The Trade Representative shall make available to the public a complete record of all nonconfidential information presented in proceedings conducted under this section, together with a summary of confidential information so submitted.

SEC. 4006. ARBITRATION AND IMPOSITION OF QUOTAS.

(a) ARBITRATION.—If, within 60 days after consultations are requested under section 4004, in a case in which the Trade Representative makes an affirmative determination under section 4005(c), the matter in dispute is not resolved, the Trade Representative shall request arbitration of the matter under the Dispute Settlement Understanding.

(b) IMPOSITION OF QUOTAS.—

(1) IN GENERAL.—The Trade Representative shall impose, for a period of not more than 1 year, the quantitative limitations described in paragraph (2) on textile and apparel products of Vietnam—

(A) if, pursuant to arbitration under subsection (a), the arbitrator determines that the Government of Vietnam is providing, on or after the date on which Vietnam accedes to the World Trade Organization, a prohibited subsidy to its textile or apparel industry; or

(B) if the arbitrator does not issue a decision within 120 days after the request for arbitration, in which case the limitations cease to be effective if the arbitrator, after such limitations are imposed, determines that the Government of Vietnam is not providing, on or after the date on which Vietnam accedes to the World Trade Organization, a prohibited subsidy to its textile or apparel industry.

(2) LIMITATIONS DESCRIBED.—The quantitative limitations referred to in paragraph (1) are those quantitative limitations that were in effect under the Bilateral Textile Agreement during the most recent full calendar year in which the Bilateral Textile Agreement was in effect.

(c) DETERMINATION OF COMPLIANCE.—If, after imposing quantitative limitations under subsection (b) because of a prohibited subsidy, the Trade Representative determines that the Government of Vietnam is not providing, on or after the date on which Vietnam accedes to the World Trade Organization, a prohibited subsidy to its textile or

apparel industry, the quantitative limitations shall cease to be effective on the date on which that determination is made.

SEC. 4007. DEFINITIONS.

In this title:

(1) BILATERAL TEXTILE AGREEMENT.—The term ''Bilateral Textile Agreement'' means the Agreement Relating to Trade in Cotton, Wool, Man-Made Fiber, Non-Cotton Vegetable Fiber and Silk Blend Textiles and Textile Products Between the Governments of the United States of America and the Socialist Republic of Vietnam, entered into on July 17, 2003.

(2) DISPUTE SETTLEMENT UNDERSTANDING.—The term ''Dispute Settlement Understanding'' means the Understanding on Rules and Procedures Governing the Settlement of Disputes referred to in section 101(d)(16) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(16)).

(3) INTERESTED PERSON.—The term ''interested person'' includes, but is not limited to, domestic firms and workers, representatives of consumer interests, United States product exporters, and any industrial user of any goods or services that may be affected by action taken under section 4006(b).

(4) PROHIBITED SUBSIDY.—

(A) IN GENERAL.—The term ''prohibited subsidy'' means a subsidy described in article 3.1 of the Agreement on Subsidies and Countervailing Measures.

(B) SUBSIDY.—The term ''subsidy'' means a subsidy within the meaning of article 1.1 of the Agreement on Subsidies and Countervailing Measures.

(C) AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES.—The term ''Agreement on Subsidies and Countervailing Measures'' means the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(12)).

(5) TEXTILE OR APPAREL PRODUCT.—The term ''textile or apparel product'' means a good listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

(6) TRADE REPRESENTATIVE.—The term ''Trade Representative'' means the United States Trade Representative.

TITLE V—HAITI

SEC. 5001. SHORT TITLE.

This title may be cited as the ''Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006'' .

SEC. 5002. TRADE BENEFITS FOR HAITI.

(a) IN GENERAL.—The Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.) is amended by inserting after section 213 the following new section:

''SEC. 213A. SPECIAL RULES FOR HAITI.

''(a) DEFINITIONS.—In this section:

''(1) APPLICABLE 1-YEAR PERIOD.—

''(A) IN GENERAL.—The term ''applicable 1-year period'' means each of the 1-year periods described in subparagraphs (B) through (F).

''(B) INITIAL APPLICABLE 1-YEAR PERIOD.—The term 'initial applicable 1-year period' means the 1-year period beginning on the date of the enactment of the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006.

''(C) SECOND APPLICABLE 1-YEAR PERIOD.—The term 'second applicable 1-year period' means the 1-year period beginning on the day after the last day of the initial applicable 1-year period.

''(D) THIRD APPLICABLE 1-YEAR PERIOD.—The term 'third applicable 1-year period' means the 1-year period beginning on the day after the last day of the second applicable 1-year period.

''(E) FOURTH APPLICABLE 1-YEAR PERIOD.—The term 'fourth applicable 1-year period' means the 1-year period beginning on the day after the last day of the third applicable 1-year period.

''(F) FIFTH APPLICABLE 1-YEAR PERIOD.—The term 'fifth applicable 1-year period' means the 1-year period beginning on the day after the last day of the fourth applicable 1-year period.

''(2) ENTER; ENTRY.—The terms 'enter' and 'entry' refer to the entry, or withdrawal from warehouse for consumption, in the customs territory of the United States.

''(b) APPAREL ARTICLES.—

''(1) IN GENERAL.—In addition to any other preferential treatment under this title, apparel articles described in paragraph (2) of a producer or entity controlling production that are imported directly from Haiti shall enter the United States free of duty during an applicable 1-year period, subject to the limitations set forth in paragraphs (2) and (3), if Haiti has met the requirements of subsections (d) and (e).

''(2) APPAREL ARTICLES DESCRIBED.—

''(A) IN GENERAL.—In any applicable 1-year period, apparel articles described in this paragraph are apparel articles that are wholly assembled, or are knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, and yarns, only if, for each entry in the applicable 1-year period, the sum of—

''(i) the cost or value of the materials produced in Haiti or one or more countries described in subparagraph (C), or any combination thereof, plus

''(ii) the direct costs of processing operations (as defined in section 213(a)(3)) performed in Haiti or one or more countries described in subparagraph (C), or any combination thereof,

is not less than the applicable percentage (as defined in subparagraph (E)(i)) of the declared customs value of such apparel articles.

''(B) DEDUCTIONS.—In calculating cost or value under subparagraph (A)(i), there shall be deducted the cost or value of—

''(i) any foreign materials that are used in the production of the apparel articles in Haiti; and

''(ii) any foreign materials that are used in the production of the materials described in subparagraph (A)(i).

''(C) COUNTRIES DESCRIBED.—The countries referred to in subparagraph (A) are the following:

''(i) The United States.

''(ii) Any country that is a party to a free trade agreement with the United States that is in effect on the date of the enactment of the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006, or that enters into force under the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3801 et seq.).

''(iii) Any country designated as a beneficiary country under section 213(b)(5)(B) of this Act.

''(iv) Any country designated as a beneficiary country under section 506A(a)(1) of the Trade Act of 1974 (19 U.S.C. 2466a(a)(1)), if a finding has been made by the President or the President's designee, and published in the Federal Register, that the country has satisfied the requirements of section 113 of the African Growth and Opportunity Act (19 U.S.C. 3722).

''(v) Any country designated as a beneficiary country under section 204(b)(6)(B) of the Andean Trade Preference Act (19 U.S.C. 3203(b)(6)(B)).

''(D) ANNUAL AGGREGATION.—

''(i) INITIAL APPLICABLE 1-YEAR PERIOD.—In the initial applicable 1-year period, the requirements under subparagraph (A) relating to applicable percentage may also be met for articles of a producer or an entity controlling production that enter during the initial applicable 1-year period by aggregating—

''(I) the cost or value of materials under clause (i) of subparagraph (A), and

''(II) the direct costs of processing operations under clause (ii) of subparagraph (A),

of all apparel articles of that producer or entity controlling production that are wholly assembled, or are knit-to-shape, in Haiti and are entered during the initial applicable 1-year period.

''(ii) OTHER APPLICABLE 1-YEAR PERIODS.—In each of the second, third, fourth, and fifth applicable 1-year periods, the requirements under subparagraph (A) relating to applicable percentage may also be met for articles of a producer or an entity controlling production that enter during the applicable 1-year period by aggregating—

''(I) the cost or value of materials under clause (i) of subparagraph (A), and

''(II) the direct costs of processing operations under clause (ii) of subparagraph (A),

of all apparel articles of that producer or entity controlling production that are wholly assembled, or are knit-to-shape, in Haiti and are entered during the preceding applicable 1-year period.

''(iii) DEDUCTIONS.—In calculating cost or value under clause (i)(I) or (ii)(I), there shall be deducted the cost or value of—

''(I) any foreign materials that are used in the production of the apparel articles in Haiti; and

''(II) any foreign materials that are used in the production of the materials described in clause (i)(I) or (ii)(I) (as the case may be).

''(iv) INCLUSION IN CALCULATION OF OTHER ARTICLES RECEIVING PREFERENTIAL TREATMENT.—(I) The entry of a woven apparel article receiving preferential treatment under paragraph (4) is not included in an annual aggregation under clause (i) or (ii).

''(II) Entries of articles receiving preferential treatment under paragraph (5) are not included in an annual aggregation under clause (i) or (ii) unless the producer or entity controlling production elects, at the time the annual aggregation calculation is made, to include such entries in such aggregation.

''(III) Entries of apparel articles that receive preferential treatment under any provision of law other than this subsection or are subject to the 'General' column 1 rate of duty under the HTS are not included in an annual aggregation under clause (i) or (ii) unless the producer or entity controlling production elects, at the time the annual aggregation calculation is made, to include such entries in such aggregation.

''(E) DEFINITIONS.—In this paragraph:

''(i) APPLICABLE PERCENTAGE.—The term ''applicable percentage'' means—

''(I) 50 percent or more during the initial applicable 1-year period, the second applicable 1-year period, and the third applicable 1-year period;

''(II) 55 percent or more during the fourth applicable 1-year period; and

''(III) 60 percent or more during the fifth applicable 1-year period.

''(ii) FOREIGN MATERIAL.—The term 'foreign material' means a material produced in a country other than Haiti or any country described in subparagraph (C).

''(F) DEVELOPMENT OF PROCEDURE TO ENSURE COMPLIANCE.—

''(i) IN GENERAL.—The Bureau of Customs and Border Protection of the Department of Homeland Security shall develop and implement methods and procedures to ensure ongoing compliance with the requirements set forth in subparagraphs (A) and (D).

''(ii) NONCOMPLIANCE.—If the Bureau of Customs and Border Protection finds that a producer or an entity controlling production has not satisfied such requirements in any applicable 1-year period, either for individual entries entered pursuant to subparagraph (A) or for entries entered in aggregate pursuant to subparagraph (D), then apparel articles described in subparagraph (A) of that producer or entity shall be ineligible for preferential treatment under paragraph (1) during any succeeding applicable 1-year period until—

''(I) the cost or value of materials under clause (i) of subparagraph (A), plus

''(II) the direct costs of processing operations under clause (ii) of subparagraph (A),

of that producer or entity controlling production, is not less than the applicable percentage under subparagraph (E)(i), plus 10 percent, of the aggregate declared customs value of all apparel articles of that producer or entity controlling production that are wholly assembled, or are knit-to-shape, in Haiti and are entered during the preceding applicable 1-year period.

''(iii) RETROACTIVE APPLICATION OF DUTY-FREE TREATMENT.—If—

''(I) a producer or an entity controlling production is ineligible for preferential treatment under paragraph (1) in an applicable 1-year period because that producer or entity controlling production did not satisfy the requirements of subparagraph (A) or (D), and

''(II) that producer or entity controlling production satisfies the requirements of clause (ii) of this subparagraph in that applicable 1-year period,

then, notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Bureau of Customs and Border Protection before the 90th day after the Bureau of Customs and Border Protection determines that subclause (II) applies, the entry of any articles—

''(aa) that was made during that applicable 1-year period, and

''(bb) with respect to which there would have been preferential treatment under paragraph (1) if the producer or entity controlling production had satisfied the requirements in subparagraph (A) or (D) (as the case may be),

shall be liquidated or reliquidated as though such preferential treatment under paragraph (1) applied to such entry.

''(G) FABRICS NOT AVAILABLE IN COMMERCIAL QUANTITIES.—

''(i) IN GENERAL.—For purposes of determining the applicable percentage under subparagraph (A) or (D), there may be included in that percentage—

''(I) the cost of fabrics or yarns to the extent that apparel articles of such fabrics or yarns would be eligible for preferential treatment, without regard to the source of the fabrics or yarns, under Annex 401 of the NAFTA; and

''(II) the cost of fabrics or yarns that are designated as not being available in commercial quantities for purposes of—

''(aa) section 213(b)(2)(A)(v) of this Act,

''(bb) section 112(b)(5) of the African Growth and Opportunity Act,

''(cc) section 204(b)(3)(B)(i)(III) or (ii) of the Andean Trade Preference Act, or

''(dd) any other provision, relating to determining whether a textile or apparel article is an originating good eligible for preferential treatment, of a law that implements a free trade agreement that enters into force under the Bipartisan Trade Promotion Authority Act of 2002,

without regard to the source of the fabrics or yarns.

''(ii) REMOVAL OF DESIGNATION OF FABRICS OR YARNS NOT AVAILABLE IN COMMERCIAL QUANTITIES.—If the President determines that—

''(I) any fabric or yarn described in clause (i)(I) was determined to be eligible for preferential treatment, or

''(II) any fabric or yarn described in clause (i)(II) was designated as not being available in commercial quantities,

on the basis of fraud, the President is authorized to remove the eligibility or designation (as the case may be) of that fabric or yarn with respect to articles entered after such removal.

''(3) QUANTITATIVE LIMITATIONS.—The preferential treatment described in paragraph (1) shall be extended, during each of the applicable 1-year periods set forth in the following table, to not more than the corresponding percentage of the aggregate square meter equivalents of all apparel articles imported into the United States in the most recent 12-month period for which data are available:

	''During the:	**the corresponding percentage is:**
.....	''initial applicable 1-year period.	1 percent.
.....	''second applicable 1-year period.	1.25 percent.
.....	''third applicable 1-year period.	1.5 percent.
.....	''fourth applicable 1-year period.	1.75 percent.
.....	''fifth applicable 1-year period.	2 percent.

No preferential treatment shall be provided under paragraph (1) after the last day of the fifth applicable 1-year period.

''(4) SPECIAL RULE FOR WOVEN APPAREL.—In the case of apparel articles classifiable under chapter 62 of the HTS (other than articles classifiable under subheading 6212.10 of the HTS), as in effect on the date of the enactment of the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006, that do not qualify for preferential treatment under paragraph (1) because they do not meet the percentage requirements under paragraph (2)(A), (2)(B), or (2)(D), the preferential treatment under paragraph (1)—

''(A) shall be extended, in addition to the quantities permitted under paragraph (3) to—

''(i) not more than 50,000,000 square meter equivalents of such apparel articles for the initial applicable 1-year period;

''(ii) not more than 50,000,000 square meter equivalents of such apparel articles for the second applicable 1-year period; and

''(iii) not more than 33,500,000 square meter equivalents for the third applicable 1-year period; and

''(B) may not be extended to such apparel articles after the last day of the third applicable 1-year period.

''(5) SPECIAL RULE FOR BRASSIERES.—The preferential treatment under paragraph (1) shall, subject to the limitations under paragraph (3), be extended to any article classifiable under heading 6212.10 of the HTS, if the article is both cut and sewn or otherwise assembled in Haiti or the United States, or both, without regard to the source of the fabric or components from which the article is made, and if Haiti has met the requirements of subsections (d) and (e).

''(c) SPECIAL RULE FOR CERTAIN WIRE HARNESS AUTOMOTIVE COMPONENTS.—

(1) IN GENERAL.—Any wire harness automotive component that is the product or manufacture of Haiti and is imported directly from Haiti into the customs territory of the United States shall enter the United States free of duty, during the 5-year period beginning on the date of the enactment of the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006, if Haiti has met the requirements of subsection (d) and if the sum of—

''(A) the cost or value of the materials produced in Haiti or one or more countries described in subsection (b)(2)(C), or any combination thereof, plus

''(B) the direct costs of processing operations (as defined in section 213(a)(3)) performed in Haiti or the United States, or both,

is not less than 50 percent of the declared customs value of such wire harness automotive component.

''(2) WIRE HARNESS AUTOMOTIVE COMPONENT.—For purposes of this subsection, the term ''wire harness automotive component'' means any article provided for in subheading 8544.30.00 of the HTS, as in effect on the date of the enactment of the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006.

''(d) ELIGIBILITY REQUIREMENTS.—

''(1) IN GENERAL.—Haiti shall be eligible for preferential treatment under this section if the President determines and certifies to Congress that Haiti—

''(A) has established, or is making continual progress toward establishing—

''(i) a market-based economy that protects private property rights, incorporates an open rules-based trading system, and minimizes government interference in the economy through measures such as price controls, subsidies, and government ownership of economic assets;

''(ii) the rule of law, political pluralism, and the right to due process, a fair trial, and equal protection under the law;

''(iii) the elimination of barriers to United States trade and investment, including by—

''(I) the provision of national treatment and measures to create an environment conducive to domestic and foreign investment;

''(II) the protection of intellectual property; and

''(III) the resolution of bilateral trade and investment disputes;

''(iv) economic policies to reduce poverty, increase the availability of health care and educational opportunities, expand physical infrastructure, promote the development of private enterprise, and encourage the formation of capital markets through microcredit or other programs;

''(v) a system to combat corruption and bribery, such as signing and implementing the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions; and

''(vi) protection of internationally recognized worker rights, including the right of association, the right to organize and bargain collectively, a prohibition on the use of any form of forced or compulsory labor, a minimum age for the employment of children, and acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health;

''(B) does not engage in activities that undermine United States national security or foreign policy interests; and

''(C) does not engage in gross violations of internationally recognized human rights or provide support for acts of international terrorism and cooperates in international efforts to eliminate human rights violations and terrorist activities.

''(2) TIME LIMIT FOR DETERMINATION..—The President shall determine whether Haiti meets the requirements of paragraph (1) not later than 90 days after the date of the enactment of the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006.

''(3) CONTINUING COMPLIANCE.—If the President determines that Haiti is not making continual progress in meeting the requirements described in paragraph (1)(A), the President shall terminate the preferential treatment under this section.

''(e) CONDITIONS REGARDING ENFORCEMENT OF CIRCUMVENTION.—

''(1) IN GENERAL.—The preferential treatment under subsection (b)(1) shall not apply unless the President certifies to Congress that Haiti is meeting the following conditions:

''(A) Haiti has adopted an effective visa system, domestic laws, and enforcement procedures applicable to articles described in subsection (b) to prevent unlawful transshipment of the articles and the use of counterfeit documents relating to the importation of the articles into the United States.

''(B) Haiti has enacted legislation or promulgated regulations that would permit the Bureau of Customs and Border Protection verification teams to have the access necessary to investigate thoroughly allegations of transshipment through such country.

''(C) Haiti agrees to report, on a timely basis, at the request of the Bureau of Customs and Border Protection, on the total exports from and imports into that country of articles described in subsection (b), consistent with the manner in which the records are kept by Haiti.

''(D) Haiti agrees to cooperate fully with the United States to address and take action necessary to prevent circumvention as provided in Article 5 of the Agreement on Textiles and Clothing.

''(E) Haiti agrees to require all producers and exporters of articles described in subsection (b) in that country to maintain complete records of the production and the export of such articles, including materials used in the production, for at least 5 years after the production or export (as the case may be).

''(F) Haiti agrees to report, on a timely basis, at the request of the Bureau of Customs and Border Protection, documentation establishing the country of origin of articles described in subsection (b) as used by that country in implementing an effective visa system.

''(2) DEFINITION OF TRANSSHIPMENT.—Transshipment within the meaning of this subsection has occurred when preferential treatment for a textile or apparel article under this section has been claimed on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of this paragraph, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment under this section.

''(f) REGULATIONS.—The President shall issue regulations to carry out this section not later than 180 days after the date of the enactment of the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006. The President shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate in preparing such regulations.''.

SEC. 5003. ITC STUDY.

The International Trade Commission shall, not later than 18 months after the date of the enactment of this Act, submit a report to Congress on the effects of the amendments made by this Act on the trade markets and industries, involving textile and apparel articles, of Haiti, the countries described in clauses (ii) and (iii) of section 213A(b)(2)(C) of the Caribbean Basin Economic Recovery Act (as added by section 5002 of this Act), and the United States.

SEC. 5004. SENSE OF CONGRESS ON INTERPRETATION OF TEXTILE AND APPAREL PROVISIONS FOR HAITI.

It is the sense of the Congress that the executive branch, particularly the Committee for the Implementation of Textile Agreements (CITA), the Bureau of Customs and Border Protection of the Department of Homeland Security, and the Department of Commerce, should interpret, implement, and enforce the provisions of section 213A(b) of the Caribbean Basin Economic Recovery Act, as added by section 5002 of this Act, relating to preferential treatment of textile and apparel articles, broadly in order to expand trade by maximizing opportunities for imports of such articles from Haiti.

SEC. 5005. TECHNICAL AMENDMENTS.

(a) CBI.—Section 213(b)(2)(A)(v) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)(2)(A)(v)) is amended by adding at the end the following new subclause:

''(III) If the President determines that any fabric or yarn was determined to be eligible for preferential treatment under subclause (I) on the basis of fraud, the President is authorized to remove that designation from that fabric or yarn with respect to articles entered after such removal.''.

(b) ATPA.—Section 204(b)(3)(B) of the Andean Trade Preference Act (19 U.S.C. 3202(b)(3)(B)) is amended by adding at the end the following new clause:

''(viii) REMOVAL OF DESIGNATION OF FABRICS OR YARNS NOT AVAILABLE IN COMMERCIAL QUANTITIES.—If the President determines that any fabric or yarn was determined to be eligible for preferential treatment under clause (i)(III) or (ii) on the basis of fraud, the President is authorized to remove that designation from that fabric or yarn with respect to articles entered after such removal.''.

SEC. 5006. EFFECTIVE DATE.

This title and the amendments made by this title apply to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

TITLE VI—AFRICAN GROWTH AND OPPORTUNITY ACT

SEC. 6001. SHORT TITLE.

This title may be referred to as the ''Africa Investment Incentive Act of 2006''.

SEC. 6002. PREFERENTIAL TREATMENT OF APPAREL PRODUCTS OF LESSER DEVELOPED COUNTRIES.

(a) IN GENERAL.—Section 112 of the African Growth and Opportunity Act (19 U.S.C. 3721) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g);

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''The'' and inserting ''Subject to subsection (c), the'' ; and

(B) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B); and

(3) by inserting after subsection (b) the following new subsection:

''(c) LESSER DEVELOPED COUNTRIES.—

''(1) PREFERENTIAL TREATMENT OF PRODUCTS THROUGH SEPTEMBER 30, 2012.—

''(A) PRODUCTS COVERED.—In addition to the products described in subsection (b), and subject to paragraph (2), the preferential treatment described in subsection (a) shall apply through September 30, 2012, to apparel articles wholly assembled, or knit-to-shape and wholly assembled, or both, in one or more lesser developed beneficiary sub-Saharan African countries, regardless of the country of origin of the fabric or the yarn used to make such articles, in an amount not to exceed the applicable percentage of the aggregate square meter equivalents of all apparel articles imported into the United States in the preceding 12-month period for which data are available.

''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the term 'applicable percentage' means—

''(i) 2.9285 percent for the 1-year period beginning on October 1, 2005; and

''(ii) 3.5 percent for the 1-year period beginning on October 1, 2006, and each 1-year period thereafter through September 30, 2012.

''(2) SPECIAL RULES FOR PRODUCTS IN COMMERCIAL QUANTITIES IN AFRICA.—

''(A) PETITION PROCESS.—Upon a petition filed by an interested party (which may include a foreign manufacturer), the Commission shall determine whether a fabric or yarn produced in beneficiary sub-Saharan African countries is available in commercial quantities for use by lesser developed beneficiary sub-Saharan African countries.

''(B) EFFECT OF AFFIRMATIVE DETERMINATION.—

''(i) DETERMINATION OF QUANTITY AVAILABLE.—If the Commission determines under subparagraph (A) that a fabric or yarn produced in beneficiary sub-Saharan African countries is available in commercial quantities for use by lesser developed beneficiary sub-Saharan African countries, the Commission shall determine the quantity of the fabric or yarn that will be so available in lesser developed beneficiary sub-Saharan African countries in the applicable 1-year period beginning after the determination is made.

''(ii) DETERMINATIONS.—In each case in which the Commission determines that a fabric or yarn is available in commercial quantities under subparagraph (A) for an applicable 1-year period, the Commission shall determine, before the end of that applicable 1-year period—

''(I) whether the fabric or yarn produced in beneficiary sub-Saharan African countries will be available in commercial quantities in the succeeding applicable 1-year period; and

''(II) if so, the quantity of the fabric or yarn that will be so available in that succeeding 1-year period, subject to clause (iii).

''(iii) DETERMINATION REGARDING IMPORTED ARTICLES.—After the end of each applicable 1-year period for which a determination under clause (i) is in effect, the Commission shall determine to what extent the quantity of the fabric or yarn determined under clause (i) to be available in commercial quantities for use by lesser developed beneficiary sub-Saharan African countries was used in the production of apparel articles receiving preferential treatment under paragraph (1) that were entered in that applicable 1-year period. To the extent that the quantity so determined was not so used, then the Commission shall add to the quantity of that fabric or yarn determined to be available in the next applicable 1-year period the quantity not so used in the preceding applicable 1-year period.

''(C) DENIM.—Denim articles provided for in subheading 5209.42.00 of the Harmonized Tariff Schedule of the United States shall be deemed to have been determined to be in abundant supply under subparagraph (A) in an amount of 30,000,000 square meter equivalents for the 1-year period beginning October 1, 2006.

''(D) PRESIDENTIAL AUTHORITY TO RESTRICT IMPORTS.—

''(i) IN GENERAL.—Subject to clause (ii), the President may by proclamation provide that apparel articles otherwise eligible for preferential treatment under paragraph (1) that contain a fabric or yarn determined to be available in commercial quantities under subparagraph (A) may not receive such preferential treatment in an applicable 1-year period unless—

''(I) the fabric or yarn in such articles was produced in 1 or more beneficiary sub-Saharan African countries; or

''(II) the Commission has determined that the quantity of the fabric or yarn determined under subparagraph (B) (or (C), as the case may be) to be available in lesser developed beneficiary sub-Saharan African countries for that applicable 1-year period has already been used in the production of apparel articles receiving preferential treatment under paragraph (1) that were entered in that applicable 1-year period.

''(ii) MANDATORY RESTRICTION.—If a fabric or yarn is determined to be available in commercial quantities under subparagraph (A) in an applicable 1-year period, and for 2 consecutive applicable 1-year periods the quantities determined to be so available are not used in the production of apparel articles receiving preferential treatment under paragraph (1) that were entered during those 2 applicable 1-year periods, then beginning in the succeeding applicable 1-year period, apparel articles containing that fabric or yarn are ineligible for preferential treatment under paragraph (1) in any succeeding applicable 1-year period unless the Commission has determined that the quantity of the fabric or yarn determined under subparagraph (B) (or (C), as the case may be) to be available in lesser developed beneficiary sub-Saharan African countries for that applicable 1-year period has already been used in the production of apparel articles receiving preferential treatment under paragraph (1) that were entered in that applicable 1-year period.

''(E) PROCEDURES.—The Commission shall use the procedures prescribed in subsection (b)(3)(C)(iv) for the Secretary of Commerce in making determinations under this paragraph.

''(3) REMOVAL OF DESIGNATION OF FABRICS OR YARNS NOT AVAILABLE IN COMMERCIAL QUANTITIES.—If the President determines that—

''(A) any fabric or yarn described in paragraph (2)(A) was determined to be eligible for preferential treatment, or

''(B) any fabric or yarn described in paragraph (2)(B) was designated as not being available in commercial quantities,

on the basis of fraud, the President may remove the eligibility or designation (as the case may be) of that fabric or yarn with respect to articles entered after such removal.

''(4) APPLICABILITY OF OTHER PROVISIONS.—Subsection (b)(3)(C) applies to apparel articles eligible for preferential treatment under this subsection to the same extent as that subsection applies to apparel articles eligible for preferential treatment under subsection (b)(3).

''(5) DEFINITIONS.—In this subsection:

''(A) APPLICABLE 1-YEAR PERIOD.—The term 'applicable 1-year period' means each of the 12-month periods beginning on October 1 of each year and ending on September 30 of the following year.

''(B) COMMISSION.—The term 'Commission' means the United States International Trade Commission.

''(C) ENTER; ENTRY.—The terms 'enter' and 'entry' refer to the entry, or withdrawal from warehouse for consumption, in the customs territory of the United States.

''(D) LESSER DEVELOPED BENEFICIARY SUB-SAHARAN AFRICAN COUNTRY.—The term 'lesser developed beneficiary sub-Saharan African country' means—

''(i) a beneficiary sub-Saharan African country that had a per capita gross national product of less than $1,500 in 1998, as measured by the International Bank for Reconstruction and Development;

''(ii) Botswana; and

''(iii) Namibia.''.

(b) ADDITIONAL PREFERENTIAL TREATMENT.—Section 112(b) of the African Growth and Opportunity Act (19 U.S.C. 3721(b)) is amended by adding at the end the following new paragraph:

''(8) TEXTILE ARTICLES ORIGINATING ENTIRELY IN ONE OR MORE LESSER DEVELOPED BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES.—Textile and textile articles classifiable under chapters 50 through 60 or chapter 63 of the Harmonized Tariff Schedule of the United States that are products of a lesser developed beneficiary sub-Saharan African country and are wholly formed in one or more such countries from fibers, yarns, fabrics, fabric components, or components knit-to-shape that are the product of one or more such countries.''.

(c) TECHNICAL AMENDMENT.—Section 112(e)(3) of the African Growth and Opportunity Act (as redesignated by subsection (a)(1) of this section) is amended by striking ''subsection (b)'' and inserting ''subsections (b) and (c)''.

SEC. 6003. TECHNICAL CORRECTIONS.

Section 112 of the African Growth and Opportunity Act (19 U.S.C. 3721) is amended as follows:

(1) Subsection (b)(5) is amended by adding at the end the following new subparagraph:

''(C) REMOVAL OF DESIGNATION OF FABRICS OR YARNS NOT AVAILABLE IN COMMERCIAL QUANTITIES.—If the President determines that any fabric or yarn was determined to be eligible for preferential treatment under subparagraph (A) on the basis of fraud, the President is authorized to remove that designation from that fabric or yarn with respect to articles entered after such removal.''.

(2) Subsection (f), as redesignated by section 6002(a)(1), is amended by adding at the end the following:

''(5) ENTER; ENTERED.—The terms 'enter' and 'entered' refer to the entry, or withdrawal from warehouse for consumption, in the customs territory of the United States.''.

SEC. 6004. EFFECTIVE DATE FOR AGOA.

Subsection (g) of section 112 of the African Growth and Opportunity Act (19 U.S.C. 3721), as redesignated by section 6002(a)(1), is amended by striking ''2008'' and inserting ''2015''.

TITLE VII—ANDEAN TRADE PREFERENCE ACT

SEC. 7001. SHORT TITLE.

This title may be cited as the ''Andean Trade Preferences Extension Act''.

SEC. 7002. ATPA EXTENSION.

(a) TEMPORARY EXTENSION.—Section 208 of the Andean Trade Preference Act (19 U.S.C. 3206) is amended by striking ''December 31, 2006'' and inserting ''June 30, 2007''.

(b) CONDITIONAL EXTENSIONS.—Section 208 of the Andean Trade Preference Act (19 U.S.C. 3206), as amended by subsection (a), is further amended—

(1) by striking ''No'' and inserting ''(a) TERMINATION.—Subject to subsection (b), no''; and

(2) by adding at the end the following:

''(b) CONDITIONAL EXTENSIONS.—Duty-free treatment and other preferential treatment under this title shall remain in effect with respect to a beneficiary country, during the period beginning on July 1, 2007, and ending on December 31, 2007, only if on or before June 30, 2007—

''(1) an implementing bill with respect to a trade agreement with that country has been enacted into law pursuant to the Bipartisan Trade Promotion Authority Act of 2002; and

''(2) the President determines that the legislature of that country has approved such trade agreement.''.

SEC. 7003. TECHNICAL AMENDMENTS.

Section 204(b)(3)(B) Andean Trade Preference Act (19 U.S.C. 3203(b)(3)(B)) is amended—

(1) in clause (iii)(II), by striking ''The preferential'' and inserting ''Subject to section 208, the preferential''; and

(2) in clause (v)(II), by striking ''During'' and inserting ''Subject to section 208, during''.

TITLE VIII—GENERALIZED SYSTEM OF PREFERENCES (GSP) PROGRAM

SEC. 8001. LIMITATIONS ON WAIVERS OF COMPETITIVE NEED LIMITATION.

Section 503(d)(4)(B) of the Trade Act of 1974 (19 U.S.C. 2463(d)(4)(B)) is amended—

(1) by striking ''The President'' and inserting ''(i) The President'';

(2) by striking ''(i) had'' and inserting ''(I) had'' and by striking ''(ii) had'' and inserting ''(II) had''; and

(3) by adding at the end the following new clause:

''(ii) Not later than July 1 of each year, the President should revoke any waiver that has then been in effect with respect to an article for 5 years or more if the beneficiary developing country has exported to the United States (directly or indirectly) during the preceding calendar year a quantity of the article—

''(I) having an appraised value in excess of 1.5 times the applicable amount set forth in subsection (c)(2)(A)(ii) for that calendar year; or

''(II) exceeding 75 percent of the appraised value of the total imports of that article into the United States during that calendar year.''.

SEC. 8002. EXTENSION OF GSP PROGRAM.

Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended by striking ''December 31, 2006'' and inserting ''December 31, 2008''.

The SPEAKER pro tempore. Pursuant to House Resolution 1100, the gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. RANGEL) each will control 30 minutes.

The Chair recognizes the gentleman from California.

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

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

Mr. THOMAS. Mr. Speaker, today the House will consider H.R. 6406. This is the companion bill which will be combined with the tax and trade bill to be sent back to the Senate. It was originally structured as H.R. 6406, and it approves several trade measures that really are important to the livelihoods of millions of people, both in developing countries and in the U.S. and affects the global marketplace.

Mr. Speaker, today the House is considering H.R. 6406 to approve several trade measures that are vitally important to the livelihoods of millions of people in developing countries or are necessary to keep U.S. manufacturers and exporters competitive in the global marketplace.

This bill would extend several existing trade preferences for developing countries. The

longstanding Generalized System of Preferences, or GSP, which expires at the end of this year, provides duty-free treatment to nonsensitive products from developing countries. This bill extends GSP, adjusting it to ensure that benefits are targeted toward countries that are not competitive. It's important to note that the GSP extension applies the same rules to all countries equally.

The bill would also extend and enhance the African Growth and Opportunities Act, or AGOA, which provides trade preferences to sub-Saharan Africa. This bill would extend the current duty-free benefits on African apparel using third-country fabric through 2012.

The bill grants a six-month extension of preferences to the Andean countries, and allows another six-month extension for each country if a trade promotion agreement with that country is approved. This approach keeps our democratic allies whole while creating an incentive to complete the transition to a mature trading relationship by implementing the trade agreements that have been negotiated and concluding agreements with the other Andean countries.

The bill would also provide modest new trade preferences for Haiti to create jobs in that desperately poor country by encouraging Haiti to use more U.S. and hemispheric inputs. Haiti's poverty is equivalent to the poorest countries in Africa, and yet Haiti has never received U.S. trade preferences like the AGOA benefits.

The second major component of the bill grants permanent normal trade relations, or PNTR, to Vietnam. The bill also creates a mechanism to ensure that Vietnam abides by its obligations to end all prohibited subsidies to its textile sector. Vietnam has completed all the steps necessary to become a member of the World Trade Organization. The Vietnamese National Assembly ratified the implementing package, and the country will officially become a member at the end of the month. A majority of House members supported identical language granting PNTR to Vietnam last month.

Lastly, the bill includes 500 Miscellaneous Trade Bill provisions that went through the usual rigorous vetting process to ensure they are noncontroversial. These provisions suspend duties on products that are not produced in the United States and are usually traded in small volumes. This bill helps lower costs for U.S. manufacturers, retailers, and consumers.

This bill is responsible, bipartisan legislation that deserves support. Providing assistance to these poor countries not only helps to create stronger trading partners in the future but is also our responsibility as one of the world's strongest economies to create humanitarian opportunities through trade. I urge passage of this legislation.

Mr. Speaker, I ask unanimous consent that the remainder of my time until I reclaim my time be provided to the gentleman from Florida who I would usually describe as the chairman of the Trade Subcommittee. Mr. SHAW, however, deserves a bit fuller description.

He came to Congress in 1981. He joined the Ways and Means Committee in the 100th Congress. He joined in 1988 and then became chairman of the Trade Subcommittee in January of 2005. He is the author of the Haiti Economic Opportunity Act. He was chairman of the Human Resources Subcommittee from 1995 until 1998, and one of his major achievements, as far as I am concerned, was the 1996 welfare reform bill, historic and unprecedented. He was chairman and is chairman of the Florida delegation since 1996. And as the proud grandfather of two, I am amazed to say he is the father of four and the grandfather of 15; and I cannot imagine if my two were 15. And so it is my pleasure to turn the time over to the gentleman from Florida (Mr. SHAW).

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

There was no objection.

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

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

Mr. Speaker, I rise in support of this bill. I really think that trade, if done right, is so important to our great country and to the world. The people expect us to be able to use our technology to assist them in improving their quality of life.

And I think that is possible, regardless of whether we are Republicans or Democrats, to remove those impediments that keep us apart because they think in the interest of protecting American jobs, increasing American jobs, helping developing countries, that those are the basic things that, whether you are Democrat or Republican, that you have to believe in.

We have some countries that are in deep trouble in these bills, and in each of these cases we have been able to work out the language so not only are we concerned that we have sound trading policies, but we also protect the environment and protect the rights of workers that live in these developing countries.

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For some of these countries, the African Growth and Opportunity bill has provided new and great opportunities that people in Sub-Saharan Africa never dreamed that could happen. The Indian countries, of course, have been successful in getting their people to concern itself with agriculture and fighting the drug trade.

But most of you know, notwithstanding all of the countries that are going to be affected, that all of us have in our hearts a little compassion for the pain that for decades the poor people in Haiti have been suffering. It really amazes me how there has been concern from the textile industry about this little country, Haiti. And I said that God should be so good to the people in Haiti that their exports could be a threat to the United States of America. That is not going to happen. I know that there are concerns that people have, but if there is any country in the world that has suffered, it has been the people in Haiti, the poorest country that we have in this continent and one that the international community has ignored.

It is not just that we hope that this country will be able to pick up the pieces and maintain this democracy, but we hope by showing the United States has an interest and is willing to invest in this country, it might serve as a signal for other industrialized countries to come to the assistance and, indeed, maintain the trade with Haiti that has not only suffered in poverty but has really suffered as demons and military people have exploited them and denied them the opportunity to live in a democracy.

They are on their way back. We hope that the new government will be able to fulfill all the dreams and promises that they have talked about.

But right now I would like to yield the balance of my time to a person who has dedicated his life to public service. He has served this Congress so well over the years. We on the Ways and Means Committee have depended on his wisdom and his guidance not only in trade but in so many other subjects. And now he moves on to the other body, and as I said earlier, his presence in the other body can only increase their prestige and the intellect as he has served us so well here.

Mr. Speaker, with the permission of the Members and the Chair, I yield the balance of my time to the distinguished gentleman from Maryland, the Honorable BEN CARDIN, and I ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore (Mr. KIRK). Without objection, the gentleman from Maryland will control the time.

There was no objection.

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

Mr. SHAW. Mr. Speaker, at this time I yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in strong opposition to H.R. 6406. And while I believe in free trade between free people, this bill would extend trading rights to the dictatorship of Vietnam and other questionable countries.

Why are we doing this? We are told that, of course, increasing commerce with such dictatorships will eventually lead that dictatorship to evolve into a more docile or a more democratic society. That has not worked. It has created a monster in China. Why is there any reason for us to think it won't do the same in Vietnam?

The Vietnamese themselves have been pleading with us not to grant Most Favored Nation status; basically permanent normal trade status is what we are talking about tonight.

I include this letter in the RECORD. It is a letter to the President of the United States from 28 leading Vietnamese, who probably will end up in prison, discussing how their country is not free, that the people there have none of the liberties that we are talking about and that such trade would go

in the opposite direction rather than making the leadership of the dictatorship more open to reforms.

A CALL FOR DEMOCRACY—OPEN LETTER TO PRESIDENT GEORGE W. BUSH ON THE OCCASION OF HIS TRIP TO VIETNAM TO ATTEND THE APEC SUMMIT IN NOVEMBER 2006

VIETNAM,
November 14, 2006.

DEAR MR. PRESIDENT: On behalf of all Vietnamese people who struggle for democracy and freedom in Vietnam we warmly welcome you to our country on the occasion of your trip to Hanoi to attend the Asian Pacific Economic Cooperation (APEC) Summit.

When arriving in Vietnam, you will see, in addition to the natural beauty of our country, many high-rise buildings and splendid mansions belonging to the elite of the Vietnamese Communist Party and wealthy businessmen. However, you won't see the poverty of the majority of Vietnamese people who live in the countryside or in suburban areas. You will not be allowed to see the impoverished farmers who keep on coming to Hanoi to protest against the confiscation of their land year after year, their plight unheard.

Mr. President:

The Vietnamese people have no free elections. In Vietnam, the Communist Party chooses all candidates prior to an election, and people who are not chosen by the Communist system cannot run in an election. Since all candidates are nominated by the Party, from the People's Committee at the village level to the National Assembly, elections are only a ploy used by the regime to disguise their intentions. This is the reason why people's legitimate complaints are never addressed.

The Vietnamese people have no freedom of the press, and therefore freedom of speech is severely limited. Although Vietnam currently has more than 600 newspapers, all are owned and controlled by the Party. Until now, no private newspaper has ever been allowed to appear. Vietnam has one of the strictest systems of control over public use of the Internet in the world. Many web sites with information on freedom and democracy are not available in Vietnam.

The Vietnamese people do not have freedom of religion and worship. Religious organizations which were not established by the state, such as the Unified Buddhist Church of VietNam, the Hoa Hao Buddhist Church, the Cao Dai Congregation and the Mennonite Church of Vietnam, are all prohibited from operating. Many Buddhist monks and Christian priests are placed under ''administrative restrictions,'' i.e. under detention in their own pagodas or churches.

Recently, due to pressure from the United States, the European Union, and other countries and international organizations, the Vietnamese government released some prisoners of conscience. Nevertheless, hundreds of political dissidents are still detained or placed under ''administrative restriction'' based on Decree 31–CP which allows anyone to be detained up to two years without a court order.

Corruption in the Communist Party of Vietnam is at an epidemic level. Vietnam is classified as one of the most corrupt countries in the world but nobody within Vietnam dares to point that out because we don't have freedom of the press. The most corrupt people are high-ranking members of the Vietnamese Communist Party themselves.

Despite legal restrictions, the Vietnamese people still seek real democracy and freedom. Among the appeals is the ''Call for Democracy for Vietnam'' issued by the Unified Vietnamese Buddhist Congregation in 2001, the ''Nine Steps towards Democracy in Vietnam'' by the Non-Violent Movement for Human Rights in 2005, and most recently the ''Declaration for Democracy and Freedom'' courageously released on April 8, 2006 by 118 private citizens inside Vietnam.

Mr. President:

You have said many times that spreading democracy is one of your great goals. We found it very encouraging when you said that you always side with those who fight for freedom in the world and will support them in this effort. We hope, therefore, that you will use your forthcoming visit to encourage the Communist leaders of Vietnam to adopt real democracy. In order to implement this policy, first and foremost they would have to discard Article 4 of the Vietnam constitution which gives absolute power to the Vietnam Communist Party, repeal the 31–CP Decree, release all political dissidents currently detained in prisons or under house arrest, and move resolutely in restoring the freedom of the press, freedom of religion, and freedom to form organizations and political parties, and freedom to stand for election.

With our best wishes for a successful trip and for good health and happiness to you and Mrs. Bush, we remain,

Yours most respectfully,

Engineer Nguyen Phuong Anh (Hanoi).
Retired Colonel Pham Que Duong (Hanoi).
Engineer Bach Ngoc Duong (Hanoi).
Lawyer Nguyen Van Dai (Hanoi).
Catholic Father Nguyen Huu Giai (Thua Thien).
Mr. Nguyen Thanh Giang, Ph.D. (Hanoi).
Engineer Do Nam Hai (Saigon).
Mr. Tran Van Hoa (Quang Ninh).
Mr. Nguyen Ho (Former Labor Union Leader, Saigon).
Professor Nguyen Chinh Ket (Saigon).
Professor Tran Khue (Saigon).
Retired Major Colonel Tran Anh Kim (Thai Binh).
Mr. Le Quang Liem (Hoa Hao Buddhist Leader, Saigon).
Catholic Father Phan Van Loi (Hue).
Catholic Father Nguyen Van Ly (Hue).
Mr. Cao Van Nham (Hai Phong).
Lawyer Le Thi Cong Nhan (Hanoi).
Pastor Ngo Hoai No (Evangelical Missionary League, Saigon).
Technician Nguyen Phong (Hue).
Pastor Nguyen Hong Quang (Mennonite Church of Vietnam, Saigon).
Retired Army Officer Vu Cao Quan (Hai Phong).
Mr. Nguyen Dan Que, MD (Saigon).
Mr. Pham Hong Son, MD (Hanoi).
Venerable Thich Nu Dam Thoa (Senior Buddhist Nun, Bac Giang).
Writer Tran Khai Thanh Thuy (Hanoi).
Writer Hoang Tien (Hanoi).
Catholic Father Chan Tin (Saigon).
Journalist Nguyen Khac Toan (Hanoi).

Also let me note this: If not for the cause of freedom and justice, which we are supposedly fighting for in Iraq right now, we at least should back up our own military troops who gave their lives in Vietnam. The Vietnamese have never come clean with us on the POW issue. Ask SAM JOHNSON, who is one of our own colleagues. Yes, they have given us us the right to dig, but they have kept from us all of the prison records of those POWs who we knew were alive and in captivity. They have refused time and again. Until they come clean on POWs, until there is some reform that shows they are going in the right direction, it is wrong, it is morally wrong for us to extend this Permanent Normal Trading Status for this type of dictatorship.

And, in fact, we know what it is all about. It is not trying to evolve Vietnam into a more democratic society. It is about our big businessmen sacrificing the interests of American workers by chasing cheap labor, cheap labor under dictatorships where they don't have a right to stand up for their own rights.

I ask that this bill be defeated.

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

Mr. Speaker, I rise in support of this legislation. This legislation would extend permanent normal trade relations to Vietnam. That is necessary for the United States to be able to benefit from Vietnam's entering the World Trade Organization, and Vietnam is entering the World Trade Organization. It will give U.S. manufacturers and producers more access to the market in Vietnam, which is the fastest growing economy in Southeast Asia. It also provides stronger protection for American companies in regards to intellectual property rights.

But I want to make it clear no one should interpret the passage of Permanent Normal Trade Relations for Vietnam as a clean bill of health on their human rights. Vietnam has a long way to go in dealing with human rights issues. Yes, we are pleased that the State Department has removed them from a country of particular concern as it relates to religious freedom. That is an important step forward. But when you look at the list of issues that still remain in Vietnam on human rights, it is a matter of concern for our country.

Vietnam fails to provide its citizens with any meaningful vote, and the government censors domestic media sources, blocks foreign radio broadcasts and Web sites, and denies its people the right to form independent organizations, including independent unions representing working people. The government also routinely cracks down harshly on antigovernment protesters.

We cannot let these shortcomings go unchallenged. PNTR should not be stopped. That is not the right tool for us to deal with those issues. Vietnam is entering the World Trade Organization. We need to be part of that. We need to engage Vietnam. We need to look for new ways in which we can have Vietnam deal with these human rights issues. It is a good step that Vietnam is entering the World Trade Organization. That is going to be helpful for us in dealing with the human rights issues.

I think we need to take note that Vietnam has taken some important steps in the right direction and that we need to make sure that they continue with their entry into the WTO, that more is expected, and that they will adhere to the rule of law. And countries with open economies are more likely to have more open societies.

I also support the provisions in this bill that deal with trade preferences for Haiti and Africa. Haiti is the poorest country in our hemisphere. We have a moral obligation to do all that we can to raise the standard of living of its

people, our neighbors in the Caribbean, and to support the fragile democracy. The administration of Haiti offers a hope of an improved standard of living for the Haitian people, but only if the United States is prepared to engage with trade and investment and support Haiti with assistance. We have a chance with this legislation to do exactly that.

The countries of Sub-Saharan Africa also merit and need stronger trade and investment relationship and our support. The AGOA program has had wide support in this Congress and has been highly successful since its inception more than 6 years ago. Since its passage in the spring of 2000, U.S. imports from eligible African countries have increased by more than 300 percent, AGOA has attracted over $340 million in new investment, and it has helped to create thousands of new jobs in Africa. Thirty-seven African countries now participate in AGOA. I hope that others, including Liberia, will soon be eligible. African exports to the United States under AGOA totaled $38 billion in 2005, an increase of more than 300 percent since 2002. The list goes on and on and on where we have been able to see economic progress through AGOA.

The problem is that we can do more and should do more. This bill includes a 6-year extension of the third-country fabric provision, the longest extension for this provision in the history of the AGOA program. It also extends other benefits in the textile and apparel sector from 2008 to 2015, a major improvement.

Mr. Speaker, these provisions will help the African workers and businesses compete against China and other competitors, including competitors who suppress their workers' rights and provide subsidies to their industries. That is in the interest of the United States and our manufacturers and producers to have that type of competition from Sub-Saharan Africa.

It is for all these reasons that this is a well-balanced bill that will advance U.S. interests, and I urge my colleagues to support the legislation.

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

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

I think it is very clear that we clarify exactly what we are talking about with Vietnam. We are simply making what we have been doing every year as a permanent-type position so we don't have to come back and vote on it every year. And what do we get for it? We get access to their markets. So this is something that is to the benefit of the United States, and it is not giving any free trade agreement or any special deal to Vietnam. And I think people that are watching this debate tonight should be very much aware of that.

Mr. Speaker, at this time I yield 3 minutes to a valued member of the Ways and Means Committee, the gentleman from Minnesota (Mr. RAMSTAD).

Mr. RAMSTAD. Mr. Speaker, I thank Chairman SHAW for yielding.

I rise in strong support of H.R. 6406, which includes the legislation I introduced to extend permanent normal trade relations to Vietnam.

Mr. Speaker, the bottom line here is economic growth and jobs. Fully 95 percent of the world's population lives outside the United States, and the global economy is projected to grow at three times the rate of the U.S. economy. We must, we must, continue to take steps to make sure that American farmers, businesses, and service providers remain leaders in the international marketplace and that our products have fair and open access to foreign markets.

As was said by Mr. CARDIN, Vietnam is the fastest growing economy in Southeast Asia. It continues to grow in significance as a United States trading partner. By giving Vietnam PNTR status, our businesses and farmers will be able to take advantage of increased market access opportunities that the Vietnamese have offered in return. And increased market access in Vietnam will also help provide our companies a competitive sourcing counterbalance to China in this region.

Without passage of this legislation, U.S. companies will not be able to take advantage of the Vietnamese concessions. And the United States will not be able to engage in dispute settlement cases with Vietnam in the World Trade Organization. So not to pass this legislation with respect to Vietnam, extending PNTR to Vietnam, is a lose-lose situation.

Mr. Speaker, I would like to thank Chairman THOMAS and Chairman SHAW for their leadership and key efforts in crafting this package and also for including Vietnam PNTR. The House is truly losing two legislative giants, and it has been a great privilege to serve with Chairman THOMAS and Chairman SHAW on the Ways and Means Committee.

I also want to thank my friends on the other side of the aisle, Ranking Member RANGEL and Mr. CARDIN, for working on this important package in a bipartisan way. It has also been a great privilege to serve with you, and we are going to miss you, BEN, when you move to the other body.

I also want to thank Representative THOMPSON for his bipartisan support, his steadfast support, and hard work on this important legislation.

Mr. Speaker, I urge my colleagues to support passage of H.R. 6406.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 7 minutes to the gentleman from Michigan (Mr. LEVIN), one of the senior members of the Ways and Means Committee and one of the most active on trade issues.

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

Mr. LEVIN. Mr. Speaker, I want to join in congratulating the three mentioned Members for their service. I also want to try to give this bill some perspective. It is going to be a bit different than expressed before this.

I just want to assure everybody in terms of process that as far as I am concerned, and I know Mr. RANGEL joins me and I think many others, we are not going to bring legislation to the floor the way this has been brought to this floor tonight. Some of these bills have not had any hearings. This is a last-minute effort and we are under the gun because there is a need to extend or at least consider the extension of some of the provisions. Otherwise, they go out of operation, and that would be unfortunate. So in terms of process, I want to assure everybody there is going to be a more open procedure, and, indeed, I think that can lead to a more bipartisan procedure on key trade issues.

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There is also going to be a very clear approach by the majority to these trade issues.

I want to talk about a few of the details because we haven't had much discussion of them on the floor. Three of these components involve extension of present programs. The GSP program has a 2-year extension. If we don't act, it goes out of existence. It has been in existence for decades. It has worked to our mutual benefit. There are within the GSP structures a core labor standard provision and it has been invoked in petitions by various people. So we are going to extend it. By the way, there is a waiver provision here and it is very possible that the administration will decide to no longer grant the waiver. But this legislation doesn't affect that, really. It simply expresses the opinion here that they should. They don't have to, and our committee, I am sure, is going to look into the merits of this, including as it might affect India.

The second is AGOA, the African Growth and Opportunity Act. We are extending it. I think most people believe it has worked on both sides, for African countries and by and large for us, not that there are no problems, but as a result of the fabric provision, Africa can now compete more than anything else with China. And if we don't give Africa that chance because of the end of the system that regulated fabrics, the Chinese would continue and increase their role in terms of that. There is a cap on the apparel provision. Everybody should understand that. There is some increase in it, not very large over it historically, and Africa has not met the cap.

So when you balance these provisions relating to this extension, I think it makes sense to extend the AGOA act, and it passed the last time it was up by voice vote.

Thirdly, the Andean preference, also under GSP. What this legislation does is to create a kind of a linkage that we will not allow as a majority. I think I can say that safely. It links it to the enactment, to the putting together and the passage of an FTA with four Andean countries. Many of us don't agree

with what was put together for Peru and for Colombia, and I want that very clear. We don't agree with the Peruvian and Colombia-U.S. FTA as it was negotiated. It cannot pass in my judgment and in the judgment of many others as it was negotiated. It is going to have to be renegotiated. So this effort to put a little leverage on this Congress and the other countries under this new majority is simply not going to work.

So I urge support of this bill because I think the three preferences, if you want to call it, the three provisions, need to be extended, the GSP, the African and also the Andean.

Let me spend just a couple of minutes, because we need to talk about details, about Haiti and about Vietnam. Briefly about Vietnam. They are going into the WTO without Permanent Normal Trade Relations with the U.S. We can't stop that as I understand it, and I think that is true. So we are not going to help out, in my judgment, on balance by simply saying that they go in without us and we will not get the provisions of their entry into the WTO. It is not two-sided in this respect.

Lastly, let me say a word about Haiti. There is some controversy over it. But, look, it has been carefully crafted. A lot of people have worked very hard on this, taking into account the needs of Haiti and the needs of our workers and our companies. There is in there a cap. Right now Haiti, their imports here represent a small part of our apparel industry. It is very small. In order for Haiti to get on its feet, it is going to have to be able to have a larger export industry. The people have worked on this and this has been bipartisan, have tried to balance this, and I want to finish by pointing this out. Under this agreement, the core labor standard provisions that we worked hard to elevate over the years remain. And so if there is exploitation of workers in Haiti, there will be an ability of us to get at that problem, either by petition or, as I remember it, we can initiate that.

So it is important in terms of our relationships and our economic development, both Haitian and Americans, on balance that we pass this Haiti bill. We need to move this ball forward, and I close with this assurance. Processwise, it is going to be much more open, much more in advance, and I hope bipartisan. And substantively, there is going to be a new day.

Mr. SHAW. Mr. Speaker, at this time, I am pleased to yield 2 minutes to the gentleman from California (Mr. HERGER), a distinguished member of the Ways and Means Committee.

Mr. HERGER. Mr. Speaker, economic growth through increased trade and investment is one of our most effective tools in our arsenal for fighting poverty around the world. It also creates opportunity at home by opening foreign markets to U.S. agriculture, goods and services. The legislation before us today extends several trade preference programs which benefit millions of workers in African, Andean and developing countries around the world. It also extends Permanent Normal Trade Relations to Vietnam which will officially join the World Trade Organization later this month. Vietnam's membership in the WTO will bring substantial economic benefits to American consumers, farmers, businesses and workers only if we approve this measure. Without PNTR, farmers, firms and consumers in the U.S. will not be able to take full advantage of Vietnam's WTO commitments. U.S. agricultural exports to Vietnam exceeded $192 million last year and represented nearly 17 percent of our total exports to the country. PNTR will reduce tariffs to 15 percent or less on most agricultural exports. Vietnam has also agreed to allow imports of all U.S. beef from animals under 30 months of age. Today's legislation paves the way for greater economic and strategic cooperation between our Nation and the many countries that will benefit from a broader trade relationship.

Mr. Speaker, I would also like to thank Chairman THOMAS for his work on this legislation. I urge its passage.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California, MAXINE WATERS.

Ms. WATERS. Mr. Speaker and Members, I thank the gentleman from Maryland and the Senator-elect for this time.

I rise reluctantly to support this trade bill. I say ''reluctantly'' because the bill includes several different trade provisions, each of which deserves to be considered on its own merit. These provisions should not be lumped together as a single bill and brought to the floor with no opportunity for meaningful debate or amendments. However, I strongly support the HOPE bill which provides duty-free treatment for apparel imports from Haiti, the most impoverished country in the Western Hemisphere.

On May 14, Rene Preval was sworn in as the democratically elected President of Haiti following a period of political instability and violence that lasted over 2 years. Now President Preval needs to provide economic opportunity for the Haitian people.

The HOPE bill will enable Haiti to manufacture apparel products for export to the United States. These trade benefits would only apply as long as Haitian apparel products do not exceed 2 percent of U.S. apparel imports. While these benefits are small by American standards, they will create jobs and promote economic development in this very small, impoverished country.

I would urge my colleagues to support the bill, given all of the questions they may have about the bill. I have worked very closely with the problems of Haiti and I think that we need to give them a chance. I, too, am concerned about whether or not workers will be exploited, but we can keep a close eye on that. Some of us are involved in a CODEL to Haiti as soon as we close down this floor and leaving tomorrow morning where we will be talking with President Preval and parliamentarians. Their greatest hope and their greatest desire is to get support of this trade bill tonight and to give them this HOPE program. Let's just give them a chance, again, despite whatever questions we may have.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Carolina (Mr. HAYES).

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

Mr. HAYES. Mr. Speaker, first let me thank the gentleman from Florida for his incredibly distinguished service over the years. We will miss him so, so much.

Mr. Speaker, today I rise in strong opposition to the Haiti trade bill which is included in the package. Folks, if you want to see more ''made in China'' labels in your clothes, this bill is for you. It is clearly a bill that will help China and their textile industry take advantage of Haiti at the expense of the U.S. industry and the Haitians, I might add.

Mr. Speaker, the U.S. textile industry has been raising alarms about Asia in general and China in particular. Last year we succeeded in getting new limits on Chinese imports. But this harmful bill would allow Haiti to ship millions of dollars; worth of textile and apparel products to the U.S. duty-free from China, products made with Chinese fabrics and Chinese yarns. Not only does the bill increase the legal duty-free import limits for Chinese goods, it vastly increases loopholes that give the Chinese more incentive to transship illegal textile goods through Haiti into the U.S. duty-free. There is no doubt in my mind that this places at risk many of the 700,000 textile and apparel jobs we have remaining in our country.

U.S. Customs have repeatedly told us they have strong concerns with the rule of origin proposal. They know it cannot be enforced. Again, the benefits will go to China rather than Haiti. Last year alone, U.S. Customs seized over $100 million in illegal textile goods. Our Customs officials are catching more and more transshipments. If we are seizing $100 million in illegal goods, think how many we have not been able to catch and how this Haiti bill will vastly increase the number of goods getting into the country.

Let's think about it for a minute. We are considering legislation that includes a dramatic change in the yarn-forward rule of origin that U.S. Customs tell us they cannot enforce, which means more illegal textile goods will enter the U.S. No congressional hearings have been held on the bill. The U.S. industry has not even had an opportunity to provide input or feedback

on the proposal. Why in the world would we bring this up for a vote when the problems with this bill are strikingly apparent?

The U.S. textile and apparel industry is vital to the economic security and national security of our Nation. The industry has contributed $120 billion to our GDP and supplied more than 8,000 products to our Nation's military.

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U.S. textile sector is also one of the Nation's most competitive manufacturing industries that has invested more than $30 billion in new plants and equipment over 10 years. If you care about preserving the strong manufacturing sector in the future, an industry that provides good-paying jobs to American citizens, no way you can support the bill.

Folks, this is a simple choice. It is about doing the right thing. It is about preserving American textile jobs and American textile businesses. We cannot and must not allow these flawed policies. We want to help Haiti, but we are helping China.

The SPEAKER pro tempore (Mr. KUHL of New York). The time of the gentleman has expired.

Mr. HAYES. May I ask for an additional 20 seconds?

Mr. SHAW. I don't have it.

Mr. CARDIN. Mr. Speaker, I will be glad to give my friend the 20 seconds he wanted.

The SPEAKER pro tempore. The gentleman from North Carolina is recognized for 20 seconds.

Mr. HAYES. I thank the gentleman for his courtesy. Again, I thank Chairman SHAW.

This does not help Haitians. This helps Chinese. We want to help the Haitians, but by giving more jobs to China and allowing more goods to come in, the well-intentioned folks, and I applaud their support because I support their desire to help the Haitians, they do not accomplish it with this bill.

Again I thank Mr. SHAW, Chairman THOMAS, and Senator CARDIN for their courtesy.

Mr. SHAW. Mr. Speaker, I yield myself such time in order to read a paragraph into the RECORD. This is a letter dated December 8 from the United States Customs and Border Protection.

Mr. Speaker, the commissioner in this letter says: ''As the customs and border protection official ultimately charged with our trade facilitation and enforcement efforts, including protecting United States industry against unfairly traded textile imports, we can and will enforce this legislation, if enacted. I was disturbed to learn that some interests are characterizing the Customs and Border Protection's position as opposed to the package of legislation. That is not the case.''

Of course, he was referring to the legislation that is before the body at this time.

U.S. DEPARTMENT OF HOMELAND SECURITY,
Washington, DC, December 8, 2006.

Hon. BILL THOMAS,
Chairman, Committee on Ways and Means, Washington, DC.

DEAR CHAIRMAN THOMAS: Thank you for contacting us with an opportunity to clarify the views of U.S. Customs and Border Protection (CBP) on H.R. 6346 and its predecessor H.R. 6142 which contain various free trade agreement provisions related to Permanent Normal Trade Relations (PNTR) for Vietnam, Generalized System of Preferences (GSP), the Andean Trade Promotion and Drug Eradication Act (ATPDEA), the African Growth and Opportunity Act (AGOA), the Haitian Hemispheric Opportunity through Partnership Encouragement (HOPE) Act, and various tariff measures.

As the CBP official ultimately charged with our trade facilitation and enforcement efforts, including protecting U.S. industry against unfairly traded textile imports, we can and will enforce this legislation, if enacted. I was disturbed to learn that some interests are characterizing CBP's position as opposed to the package of legislation. That is not the case.

Every major change to trade laws poses enforcement challenges for our agency, and this legislation is no different. Simply acknowledging these challenges however does not constitute agency opposition to the legislation as a whole nor to the underlying agreements nor do they pose insurmountable obstacles to textile enforcement. I want to assure you that CBP remains committed to enforcing all textile trade laws that impact the domestic industry.

I appreciate the opportunity to respond and clarify the agency's position, please do not hesitate to contact me if I may be of further assistance.

Sincerely,

W. RALPH BASHAM,
Commissioner.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BRADY), a distinguished gentleman of the Ways and Means Committee.

Mr. BRADY of Texas. Mr. Speaker, I wanted to take a minute to thank Chairman SHAW for his leadership, not only in opening markets around the world to American products and services, but his leadership over the years on key issues like Social Security and others.

I think it is appropriate for Mr. HAYES to raise the issues of enforcement. If there is a common ground among Republicans and Democrats in this body, it is to strongly enforce free trade agreements and the benefits programs, and we, I know, can work together on that in this next session. I strongly support this bill.

America is the world's largest consumer of goods. We are also the largest seller of goods. It gives us an opportunity to open new markets and the power also to help other countries be lifted out of poverty.

This bill extends to our neighbors and friends in sub-Saharan Africa, Haiti, the Andean region of Latin America trade benefits to help stimulate economic growth and provide jobs for their people. It supports businesses and workers here in the United States by giving them a break on a necessary tariff so we are able to pass more of their dollars back to their employers and customers. It helps ensure American companies won't be left behind while our competitors overseas benefit from Vietnam's recent entry into the global trading system.

As a Representative of the 8th District of Texas, I tell you we see billions of dollars of cargo and goods come into our State, as well as shipping. It creates tens of thousands of jobs. It is key to our livelihood. Under a long-standing bipartisan program, our Latin American neighbors Peru, Colombia, Bolivia and Ecuador currently receive trade benefits that have reached many, many thousands of jobs in the region, meaningful jobs. They offer an alternative to the drug trade and guerrilla warfare and contribute to the stabilization and economic growth in the region, all of which are in America's interests.

We must continue the Andean program over the short term to encourage approval of already negotiated trade promotion agreements with Peru and Colombia that are critical to our region.

I strongly support this measure.

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

Mr. SHAW. I yield 2 minutes to the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. I thank the gentleman and also for his years of dedicated service to this institution. He will truly be missed.

Mr. Speaker, regrettably I rise to oppose this legislation, in particular the portion that would grant permanent trade relationship with Vietnam. I do so for one very particular reason. According to the National League of POW/MIA families, there are currently 1,798 personnel missing, still missing, from a Vietnam war that ended about 35 years ago.

These families have continued to meet with resistance from the communist Vietnamese Government and have failed to allow them to adequately search for their loved ones. Yet today, this legislation will reward that country and that government. I believe that is unacceptable. I think we should be talking about how to reward Vietnam for its good conduct if they were to cooperate fully with the efforts to recover these individuals.

We have within the Department of Defense an office that is called the Defense POW Missing Personnel Office, whose sole purpose is to help account for these missing personnel that we lost during that conflict. Yet of the hundreds of individuals that accompanied President Bush on his visit to Vietnam last month, the director of that organization was excluded from the visit. What does this say to the Vietnamese Government? I think it says we are not serious about the issue.

Today, I think we can honestly say that if we intend to honor those who gave their lives and their sacrifice for our country, we should be willing to confront the Government of Vietnam

concerning these missing POW/MIAs. Until Vietnam fully cooperates in that effort with these families to recover their loved ones, I cannot support the normalization on a permanent basis of trade relations with that country, and I would urge my colleagues to do likewise.

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

Mr. SHAW. Mr. Speaker, I yield to the gentleman from Connecticut (Mr. SIMMONS), who will certainly be missed next year.

Mr. SIMMONS. I thank the gentleman for his courtesy. I rise in support of extending permanent trade relations to Vietnam. I do this as somebody, who as a Vietnam veteran, served in that country for almost 4 years, and who 3 years ago returned to Vietnam with the assistance of the Vietnamese Government to look for the crash site and remains of Captain Arnold Holm from Waterford, Connecticut, who went down in 1972.

We spent a week with the Vietnamese looking for the crash site, did not find it. But just this year, with continued effort, located the crash site 200 meters from the location in the jungle where my wife and I and others were looking. This legislation is about more than just economics, although the economics are important. This legislation is about working with the Vietnamese to heal the wounds of the war that ended 30 years ago.

I personally have experienced the support of the Vietnamese Government in this initiative. I know that support will continue. As a Vietnam veteran, I urge my colleagues to support this legislation.

Mr. CARDIN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, if I might first start by saying, the past 2 years I have had the honor of being the ranking Democrat on the Trade Subcommittee of the Ways and Means Committee. I want to thank Mr. SHAW for his help and cooperation during these past 2 years. I think that we have acted responsibly on many initiatives, but, more importantly, we have had an opportunity to talk directly with trade representatives from many other countries in an effort to move forward trade with the United States.

I want to thank Tim Reif, the staff director on the Democratic side, for his help during all this period of time. It was a new subcommittee for me, and I can tell you I could not have done it without the help of our staff, Mr. Reif and the others.

On a personal note, this will be my last opportunity to speak on the floor of this body, and I want to thank my constituents in the Third Congressional District of Maryland for giving me the opportunity to serve in this body during the past 20 years; 18 of those years I have served on the Ways and Means Committee. The voters of Maryland have now given me the opportunity to move to the other body.

I want to thank all of the Members that I have served with over these past 20 years. This is an incredible body of the people's House in which the Members truly are concerned about the traditions of this body and the work that we do.

I have had a chance to serve with many Members on the Ways and Means Committee, and we don't always agree on issues. I know that BILL THOMAS will be leaving and CLAY SHAW will be leaving this body also. Both carried the tradition of the Ways and Means Committee in this body of doing what they thought was right, not only to advance a policy for this Nation, but to make sure that anything that came out of our committee lived up to the highest standards of the Ways and Means Committee and was drafted properly, and there was no misunderstanding of the intentions of what we were trying to do.

Many times that was difficult to be done, and I just want to congratulate Mr. THOMAS for carrying out that awesome responsibility as Chair of the Ways and Means Committee. I can tell you that I have enjoyed every moment in this body, even those difficult evenings. This is truly a unique opportunity, to be given the opportunity to serve in this great body.

Once again, I want to thank the courtesies that I have received from each of the Members, and, again, thank the people from Maryland for giving me this opportunity.

Mr. Speaker, I yield back the balance of my time.

Mr. SHAW. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, at this time I do rise in very strong support of H.R. 6406, which is a shining example of how international trade can help the world's poorest people by creating jobs in impoverished nations, also bettering the lives of Americans by reducing costs, creating export opportunities for United States business, and offering United States consumers more choices at lower prices.

Living in Florida, I am especially sensitive to the plight of the Haitian people. This legislation includes the Haitian Hemispheric Opportunity through Partnership Encouragement, also known as the HOPE Act, which is aimed at helping our desperately poor neighbors. This is an act that was created in a bipartisan way with many Members on each side of the aisle participating, and I was very, very pleased to be a part of that.

This HOPE Act contains modest provisions to allow Haiti's struggling apparel sector to create jobs and to better integrate the United States and other hemispheric textile industries, such as in Central America. This legislation is critical to help Haiti build an economy to sustain its very young and very fragile democracy and give the Haitian people hope and purpose to cease conflict and embrace a better tomorrow.

In this way, the benefits included in the HOPE Act could have a tangible and meaningful impact on the people of Haiti, but would have a very minimal, even, I might say, trivial impact on the United States markets.

For example, Haiti's benefit in the first year capped at 1 percent of the United States apparel imports, 1 percent of the imports, a level less than the current 1 percent of the current apparel imports from Haiti. I think one thing is abundantly clear, and we can see it all over the globe, whether you look in Haiti. You cannot sustain a democracy without an economy. That is black letter law as far as I am concerned. In order for this democracy to flourish, it is going to be absolutely necessary that we do help them as best we can to build their economy.

I also draw the Members' attention to the short-term extension of unilateral trade benefits for Peru, Colombia, Ecuador, yes, and even Bolivia. The United States signed bilateral trade promotion agreements with Peru and Colombia, and I would greatly prefer that we were approving these bilateral agreements today rather than simply extending the current benefits. But the administration did not submit the implementing packages for these agreements for congressional consideration before the preferences expired, so we must ensure that our allies are not harmed economically while the Congress completes its process, and, hopefully, this will be early next year.

This bill provides a seamless tradition for extending the trade preferences for 6 months, yet it maintains an incentive for everyone to quickly approve and implement the trade agreements by providing an additional 6 months of benefits only if the legislatures here and there approve their respective agreements. This approach also encourages Ecuador and Bolivia to follow the lead of Peru and Colombia to include comprehensive and commercially meaningful trade promotion agreements within that year.

I certainly support this bill, and if I may, as a point of personal privilege, want to thank all that I have had the privilege of working with throughout so many years on the Ways and Means Committee. It has been an honor, not only to serve in this body, but particularly to serve on this particular committee.

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The gentleman from Maryland and I have been close friends for many, many years, as I have with soon-to-be Chairman RANGEL on the other side of the aisle. We have had our differences here on the floor, but never off of the floor, and it has been a tremendous, tremendous opportunity for me to be able to work. And also to watch the skilful work of Chairman THOMAS. Sometimes he gets a little prickly and a little hard to work with, but he always ends up doing the right thing, and it has been a privilege to serve with him too.

This will be the last time that I will be able to appear on this floor, but thank you for the great opportunity to serve the people of the 22nd Congressional District of Florida and the people of the United States of America, the greatest country on the face of this Earth.

Mr. Speaker, I yield the balance of my time to the gentleman from California, Chairman THOMAS.

Mr. THOMAS. Mr. Speaker, unaccustomedly, the gentleman from Florida has handled the substance of the bill, so I am not going to talk about the substance, which means I normally don't have very much to talk about if I don't talk about the substance.

This is kind of unique, because normally at the end of a session and at the end of a committee's legislative responsibilities, one or two people may be retiring, but, frankly, six members of the Ways and Means Committee will not be in the 110th Congress. Some have left willingly, some unwillingly. Here we are with three of us at the end of this particular bill, which will be the last legislative responsibility of the committee.

I, too, I want to thank the gentleman from Maryland. Based upon my knowing him and the extremely difficult position he found himself in, moving over to the Senate, if anyone is walking close to him, I wouldn't be surprised to hear him humming, ''free at last, free at last.'' He is going to be able to go over and completely exercise his legislative beliefs and structure. I know how difficult it has been for him in this constraint, because he has been, in words that I think are significant compliments, a legislator, as best he could be in the environment. I look forward to watching him continue his career over in the Senate.

My colleague from Florida, who became the chairman of the Trade Subcommittee, I was on the Trade Subcommittee for a long time but I was never chair, so I envied him in that role, has a number of opportunities in front of him.

It is always customary to thank those people that everyone sees, obviously Angela Ellard, chief counsel on the Trade Subcommittee, and Alex Brill, chief counsel for the committee. But I want to just take a minute, because people don't realize that there are a lot of people who even a lot of the Members never see, who are absolutely essential to make this place work.

One of them is in Leg Counsel. His name is Ed Grossman. He has made it possible for this committee to work, year after year after year. Ed Grossman told his wife-to-be that they would have their honeymoon after he finished a Ways and Means bill, and she still married him.

Tom Barthold over at the Joint Committee on Taxation, Reggie Greene, who helps the Ways and Means Committee work, and a long list of others. I just want to indicate that the people who are in front of the cameras and who do the talking could not do the job without all those people that you can't see.

So, it comes to a point now where I say this willingly, but I do say it with mixed emotions:

Mr. Speaker, I relinquish my time, forever.

CALL OF THE HOUSE

Mr. THOMAS. Mr. Speaker, pursuant to clause 7 of rule XX, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 538]

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Emanuel
Emerson
Engel
English (PA)
Etheridge
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Nunes
Obey
Olver
Ortiz
Osborne
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sekula Gibbs
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Sires
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stearns
Stupak
Sullivan
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

□ 1904

The SPEAKER pro tempore (Mr. BOEHNER). On this rollcall, 373 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

GENERAL LEAVE

Mr. SHAW. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the subject of the bill presently under consideration.

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

There was no objection.

TRADE LAWS MODIFICATION

Mr. SHAW. Mr. Speaker, it is now my privilege to yield the balance of my time to the Speaker of the House, the gentleman from Illinois (Mr. HASTERT).

The SPEAKER. I thank the gentleman from Florida.

Mr. Speaker, later tonight I expect that this House will adjourn sine die. This is the last day that we will be together on this floor during my Speakership, and so with your indulgence I

would like to make a few brief comments.

Eight years ago, you elected me as your Speaker. I said at the time that it was not a job which I sought, but it was one which I would embrace with enthusiasm and determination. Each day since then, I have tried to do my best. The challenges have been great, but so too has been the honor of serving this institution and each of you.

At this time of transition I have been reflecting upon the many things for which I am deeply grateful. First of all, for my wonderful wife Jean, for her encouragement and for accepting the sacrifices that have allowed me to run for public office. I don't think she ever got quite used to the attention that the Speakership has brought, but she handled every moment with certainly grace and good cheer. And I also thank my son Josh and my son Ethan and my daughter-in-law Heidi, and I thank all of them for their love and support.

I am grateful to the unbelievable people of the 14th District of Illinois for the trust that they have placed in me over these many years. They are the most down-to-earth, honest, and wonderful people I have ever known, and I am honored to serve them in this great House.

I thank all the Members, all of you, for the countless courtesies that you have extended to me over the years, and for electing me to be your Speaker. I am immensely proud of this House of Representatives, and I am grateful for what we have accomplished.

Together, we reformed welfare, we cut taxes, and small businesses grew all over this Nation, and we expanded trade and we saw the Dow Jones break record after record as the economy grew to new heights. And our policies yielded near record low unemployment and near record low interest rates.

And we mourned on 9/11 when our country was savagely attacked; but then I remember we stood together shoulder to shoulder on the steps of the front of this Capitol, and we promised to the American people to protect this Nation as best we could from further attack. And then from somewhere in the back broke out a verse of God Bless America, and everybody joined in song. And I will never forget that moment, and chills went down my back, and I knew that this country's greatness would survive. And by the grace of God and the leadership and help of our President, we have been successful.

During my tenure we have challenged the Washington notion that government has a claim to the earnings of all Americans, and I believe as I did when I came here 20 years ago that government should work for the people and not the other way around.

As a body we have gathered together in celebration to award Congressional Gold Medals to giants like Pope John Paul II and Rosa Parks and Billy Graham. And we have gathered together in the great Rotunda of this building in mourning to pay our respects to a great leader, Ronald Reagan. I am proud to have been a part of this unique time in the history of our country.

Few people understand what support it takes to run this House of Representatives, and I am grateful for the legions of dedicated individuals who serve the House day in and day out. The Speaker has a huge core of people, mostly behind the scenes, who make this institution run. I could have not done this job without the officers of the House, the staff who serves them, and those who have served in Members' offices and committee offices and leadership offices, and the Speaker's Office. And I want to personally highlight a few who make this institution work.

Bill Livingood is the longest serving officer today in this House.

I also want to thank the U.S. Capitol Police for their daily diligence in protecting us. Some of us remember that day in July in 1998 when somebody broke into this Capitol, and in an action right outside the office that my family happened to be in, that I served in at that time, that two of our police officers were shot and killed, and to protect us. I will never forget that day.

Jay Eagen, the Chief Administrative Officer of the House, has done an incredible job in managing the financial and operational affairs here.

Father Dan Coughlin, the Chaplain of the House, has been a healer and has led us in a quiet way. Father Dan arrived at a time of turmoil, some of you may remember. A reporter asked him whether or not he was prepared to step into this lion's den. He looked at them and quietly responded and he said, ''Well, my name is Daniel.''

Karen Haas, the Clerk of the House, loves this institution and has inspired countless people to have the same respect for this Chamber and the legislative operations as she does.

John Sullivan, the Parliamentarian, has given us wise and steady guidance with an even temperament.

And Admiral John Eisold, our attending physician, whose leadership during the anthrax crisis calmed the fears of anxious Members and staff.

Alan Hantman, the Architect of the Capitol, and his staff who are responsible for maintaining this beautiful monument, the place that we work in, but the epitome of freedom to the world.

During my tenure as Speaker, we created the Office of Interparliamentary Affairs, ably headed by Martha Morrison, so that we could more effectively interact with our legislative colleagues around the world as together we try and share the blessings of democracy with those who have been oppressed by tyranny, and are only now enjoying the fruits of freedom.

We also reinstituted the Office of the Historian, headed by Dr. Remini and his deputy, Fred Beuttler, and they are commended for their hard work.

And I want to especially thank Pope Barrow and his staff in the Legislative Counsel's Office; Peter LeFevre and his staff in the Law Revision Counsel's Office. You didn't even know we had that office, did you? Geraldine Gennet and her staff in the House General Counsel's Office have helped us negotiate through some difficult constitutional issues and have been our legal guardians.

□ 1915

And Curt Coughlin and his staff in the Office of Emergency Planning who have become so important to us in the post-9/11 world.

I am especially grateful to the dedicated individuals who served me so well over the years. I have been so blessed to have a dedicated and talented team, from my Illinois district offices, my 14th District Office here in Washington, and to the staff in the Office of Speaker. And while they are not employees of the House, I also want to thank those over at the NRCC who have helped me fulfill my responsibilities as a party leader.

I hope each of them knows of my personal gratitude for their service. They have spent many long days and many long nights working to make this a better country, and I know they have sacrificed time with their family and friends to do so. On behalf of a grateful Speaker, I want to thank them all for their service.

In particular, I want to thank my chief of staff, Scott Palmer. Scott has been with me since 1986 when I first came to Congress. Scott, you and Mike Stokke and Sam Lancaster and Bill Hughes and so many others have given so much of your time. I am so proud of what we have accomplished together.

Next month we will begin a new Congress. Power will change without a shot being fired, peacefully, as the Founding Fathers envisioned. Those of us on this side of the aisle will become the loyal opposition, and the gentlewoman from California (Ms. PELOSI) will assume the duties as our Speaker. I know she will do so with skill and grace and that she will bring honor to this institution.

In a few short months, the Capitol Visitor's Center will be completed. In that center the work of this Congress will be described to future generations. Visitors will view an introductory film entitled, ''Out of Many, One. E Pluribus Unum.''

In my first speech as your Speaker, I said that solutions to problems cannot be found in a pool of bitterness. The framers expected the floor of this House to be a place of passionate debate, a place where competing ideas and philosophies clash, a crucible where many ideas can be blended together to forge a strong Nation. But this floor should also be a place of civility and mutual respect and a place where statesmanship and not just electoral politics guide our decisions. President Reagan is right: ''There is no limit to what can be accomplished if you don't mind who gets the credit.''

Eight years ago I broke with tradition and gave my inaugural speech from this microphone in the well of the House and not from the Speaker's chair. I did so because I said ''my legislative home is here on this floor with so many of you, and so is my heart.''

Sitting in the Speaker's chair is an honor I will always cherish. But I believe there is actually an even greater honor.

It is one that each of you shares with me. It is bestowed upon us by the citizens of this country, one by one, as they go into the voting booth and elect us with their sacred ballot. It is the honor of raising our hands and taking the oath as a Member of this House of Representatives and then to sit on one of these benches.

So on January 4, I will be privileged to rejoin you on these benches, where my heart is, here on the floor of this great House.

May God bless each of you, may God bless this People's House, and may God bless the United States of America.

Mr. Speaker, I yield to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Thank you very much, Mr. Speaker.

Mr. Speaker, I rise tonight to salute DENNIS HASTERT, Speaker DENNIS HASTERT, the longest serving Republican Speaker in history.

And long may that record stand.

This record is a testament to DENNIS HASTERT's leadership within the Republican Conference, in this Congress and in this country.

But DENNIS's public service began long ago. He spent 16 years as a teacher and a coach at Yorkville High School in Illinois, and that is the best kind of public service, shaping the minds of our young people. Then he went into politics, and after 6 years in the Illinois State House, he came to the U.S. House of Representatives in 1986. In 1999, DENNIS HASTERT's colleagues elected him Speaker of the House, the third highest official in the United States of America.

While we have often, from time to time, disagreed on issues, we agree on the importance of public service, the kind of public service that has been the hallmark of Speaker HASTERT's career, whether in the classroom or in the House.

Mr. Speaker, I know I speak for many people in this room and across the country when I thank you for one thing in particular: Rosa Parks made history a long time ago and changed America. She also made history when she was the first African American woman to lie in state in the Capitol of the United States. That honor would not have been possible without your leadership, and we are very, very grateful.

I, too, want to join the Speaker in acknowledging the Hastert family, Jean and Ethan and Joshua, and the entire family for sharing DENNIS with us. We know the sacrifices are great, and I want to acknowledge them as well.

My colleagues in Congress, we hold the title of ''Honorable'' because we serve in Congress. We hold the title of ''Honorable'' by virtue of our office. DENNIS HASTERT holds it by virtue of his character. I salute him for service to our Nation and look forward to many more opportunities. Happily, he is staying with us for us all to work together.

In your remarks, Mr. Speaker, you referenced that very sad evening when we joined together on the steps of the Capitol and sang ''God Bless America.'' Among God's many blessings to this country, to America, is the service and leadership of Speaker DENNIS HASTERT.

Thank you, Mr. Speaker.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of H.R. 6406, the Omnibus Trade Act. Overall I believe the bill provides many important benefits for consumers and businesses in the United States.

While Vietnam has not fully evolved into the kind of free society I would like to see, the improvement of relations between the United States and Vietnam is a welcome development. That is why I support the extension of presidential authority to grant permanent normal trade relations with Vietnam. Implementing normal trade relations is an important step toward ensuring that American business and agriculture will be able to benefit from a full and open market—a goal that is enhanced by Vietnam's inclusion into the World Trade Organization (WTO). It will also ensure that Congress and the Bush administration have the ability to enforce important commitments, including intellectual property protections and the elimination of trade distorting subsidies that ultimately do injury to American producers and consumers alike.

I have supported a number of efforts to expand access to foreign markets for exports as part of a long-term strategy to strengthen our domestic economy. While expanding markets for businesses and farmers is critical, it needs to be carefully monitored and responsibly implemented. As structured, I believe the agreement with Vietnam largely meets this test.

With respect to extending trade benefits to Andean countries, I have some concerns with the approach taken in this legislation. It puts important assistance programs at risk and is another example of the current Congressional leadership engaging in partisan political posturing instead of legislating in the very best interests of the American people and the governments and peoples affected by this bill. If the version of the bill is passed into law, I think it likely will be necessary to revisit this issue in the upcoming Congress.

While this bill is largely about the liberalized exchange of goods and services, it is also about building a stronger relationship with countries around the globe. Expanding our commercial relationships can help the United States gain support for initiatives in other areas, such as conflict resolution and reduction of poverty. I urge passage of this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, despite my reservations regarding the lack of deliberation and transparency in how this bill has come to the floor, I nevertheless rise in support of H.R. 6406, however, I believe there are serious concerns regarding the process and the fairness of this administration trade bill.

This bill includes several important provisions which promote the competitiveness of the United States in the global economy, ensure greater economic opportunities for the United States, and to foster broader U.S. national interests, especially in helping the people of Haiti overcome the poverty with which many of them are afflicted. Indeed, the inclusion of the provisions relating to Haiti is the main reason I support this bill.

This legislation includes several key trade measures, such as crucial provisions to expand trade with Haiti, the poorest country in the Western Hemisphere. Without the increased economic engagement with Haiti that this legislation provides, Haiti's situation will undoubtedly worsen, undermining broader U.S. goals for the region.

This legislation also renews several expiring longstanding U.S. trade programs that are important for promoting economic opportunities in the United States, as well as in developing countries in Africa and elsewhere. The programs include the Generalized System of Preferences (GSP), the Andean Trade Preference Act (ATPA), and provisions of the African Growth and Opportunity Act (AGOA).

This legislation would also authorize Permanent Normal Trade Relations (PNTR) with Vietnam, which is critical to ensure that U.S. companies, farmers and workers will be able to benefit fully from the market-opening commitments that U.S. negotiators secured from Vietnam. It will also ensure that the U.S. Government has the ability to enforce Vietnam's WTO commitments. Without this legislation, the United States would be put at a severe competitive disadvantage and would be denied rights to enforce Vietnam's WTO commitments when it joins the WTO in early January 2007.

The Haitian HOPE Act encourages hemispheric integration and promotes the use of U.S. and other trade bill inputs in apparel assembled in Haiti. The Haitian HOPE Act will help Haiti while expanding opportunities for U.S. textile interests. Just over two-thirds of Haitian apparel exports to the United States are assembled from U.S. and CBI fabric, made from U.S. yarn. The Haitian HOPE Act encourages this partnership to continue to thrive, rather than to switch to China. President Preval needs our help and this bill can do a lot for the struggling people of Haiti.

Put simply, H.R. 6406 would provide new economic opportunities for the world's poorest people. H.R. 6406 is one of the most important humanitarian steps that Congress can take for some of the poorest countries in the world, including some of the nations of sub-Saharan Africa, Haiti, and the Andean countries. One of the best ways to lift people out of poverty is to promote economic activity through increased trade and investment.

There are 314 million sub-Saharan Africans living in poverty, which is nearly half the African population. Likewise, Haiti is the poorest country in the Western Hemisphere, with over 80 percent of its population living in abject poverty.

The textile provisions for sub-Saharan Africa and Haiti will bring economic opportunities to these least developed countries and, in the case of Haiti, also expand opportunities for U.S. textile and apparel interests.

The Haiti/AGOA provisions will greatly benefit those countries while having a minimal impact on overall U.S. imports of apparel and

U.S. domestic markets. Apparel imports from Africa and Haiti barely register in U.S markets while millions of workers in Peru, Colombia, Bolivia and Ecuador owe their livelihoods to the Andean trade preferences.

In addition to Haiti, other nations in Latin America will also benefit from this bill. Peru and Colombia have extended their hands in economic cooperation by negotiating comprehensive, commercially meaningful trade promotion agreements. However, the Administration did not submit for Congressional consideration these two agreements with democratically elected governments before the expiration of preferences. It would add insult to injury if Congress does not provide a short-term extension of preferences until the agreements can be considered early next year.

Similarly, extending trade preferences to Ecuador and Bolivia will encourage those countries to follow the lead of Peru and Colombia and act quickly to conclude trade promotion agreements with the United States.

Furthermore, granting PNTR to Vietnam furthers bilateral relations, fosters economic growth, and will serve as a catalyst for much needed political reforms in Vietnam. Granting permanent normal trade relations (PNTR) status to Vietnam represents a significant milestone in our efforts to mend the wounds of one of the most divisive conflicts in our nation's history .

Vietnam's membership in the World Trade Organization (WTO) will serve as a catalyst for continued economic and political reform in Vietnam. The State Department's 2005 Human Rights report notes that economic developments in Vietnam are a ''major influence on the human rights situation, and economic reforms and the rising standard of living continue to reduce ''government control over, and intrusion into, daily life'' in that country. However, I do continue to express grave concern about Vietnam's continuing Human Rights Violations.

Vietnam will officially join the WTO later this month, and its membership will bring substantial economic benefits to American businesses, farmers, workers, and consumers. However, if PNTR is not granted before Vietnam joins the WTO, the United States would not be able to take full advantage of many of Vietnam's WTO commitments until PNTR is approved.

For all of these reasons, and especially for the benefit of the people of Haiti, I rise in support of H.R. 6406.

Mr. BLUMENAUER. Mr. Speaker, I support H.R. 6406 and the various trade bills it includes. Unfortunately, I cannot be present to vote in favor of it because of a prior engagement in my district. However, this legislation is a good example of how honest trade can help American consumers, workers, and businesses and promote growth in poor countries at the same time.

Honest and fair trade will help the U.S. and other countries grow more prosperous and stable. Trade barriers, quotas, and restrictions hurt all but a select few by raising prices for consumers, limiting efficiency, and restricting the ability of developing countries to improve their economies. I am pleased that this legislation moves us toward more open markets in a number of significant areas.

Extending the Generalized System of Preferences, the Andean Trade Preference Act, and the AGOA third party fabric rule, as well as establishing trade preferences for Haiti, promotes jobs and growth in some of the world's poorest countries, part of a strategy to help move countries toward self-sufficiency and giving workers more options and bargaining power. At the same time, preferences support and preserve manufacturing jobs here in the United States as it makes many of their inputs cheaper. So too are consumer products from these countries less expensive, giving Americans more purchasing power. I recognize the concerns that many people have expressed over changes being made to these programs and I look forward to working with Chairman RANGEL in the upcoming Congress to strengthen them to ensure that they are as effective and fair as possible

I spoke the first time we considered the Vietnam bill about the benefits of granting permanent normal trade relations to Vietnam. Vietnam has agreed to open their markets to U.S. manufactured goods, services, and agricultural commodities, including key Oregon products such as beef and pears, while imports from Vietnam are also important to supporting many jobs in Oregon at companies like Nike and Intel. Perhaps most importantly, this bill will contribute to reform in Vietnam and the process of U.S.-Vietnam normalization.

Finally, this legislation includes important tariff relief provisions for the bike industry, allowing the duty-free import of certain specialty bicycle parts not produced in the United States, and for my hometown of Portland, Oregon, facilitating the import of streetcars for our local public transit system, at a time when there's no domestic supplier, saving money for Portland taxpayers. I particularly appreciate the help of Jennifer McCadney of the Ways and Means staff for making the inclusion of these provisions possible.

For too many Americans, trade has been a source of insecurity and inequality, instead of growth. For too long, critical questions of how the United States engages in an increasingly global economy have been used as partisan and political wedges. We must develop an honest trade policy that can be broadly supported by Americans of all political stripes and that reflects the concerns that I hear from Oregonians. While this will be a long-term process, this legislation meets that basic test and moves us in the right direction. I urge my colleagues to support it.

Mr. WOLF. Mr. Speaker, I reluctantly rise in opposition to this omnibus trade bill, which includes a provision to grant permanent normal trade relations for the government of Vietnam.

While I support this trade bill's important benefits to the people of developing countries such as Haiti and those affected by the African Growth Opportunity Program, I deeply regret the decision to extend permanent normalization of trade relations to Vietnam, a country which continues to violate the human rights of its own citizens.

I believe it is a grave error to include this PNTR provision within the trade bill. The Vietnam government has failed to prove to the world that it values democracy and the freedom of its own citizens.

The government of Vietnam is one of the most egregious human rights abusers in the world. According to the 2005 State Department human rights report, here are just some of the human rights problems reported at the hands of the Vietnamese government:

Police abuse of suspects during arrest, detention, and interrogation; harsh prison conditions; arbitrary detention or restriction of the movement of persons for peaceful expression of political and religious views; denial of the right to fair and expeditious trials; imprisonment of persons for political and religious activities; restrictions on freedoms of speech, press, assembly, and association; restrictions on religious freedom; restrictions on freedom of movement; prohibition of the establishment and operation of human rights organizations; violence and discrimination against women; trafficking in women and children; and child labor abuse.

The State Department's report says that Vietnam's ''human rights record remained unsatisfactory.''

I receive reports almost daily confirming that these human rights abuses are continuing to occur. I am contacted every week by Vietnamese-Americans in my congressional district who are concerned for their families and friends in Vietnam who face repression and torture as they stand up for democracy and freedom.

The government of Vietnam also continues its harassment of people of faith.

For Catholics, Vietnam retains the ability to choose all bishops and screen all seminarians. Charitable and educational activities are severely restricted.

For Protestants, individual churches affiliated with Mennonite, Baptist, and 7th Day Adventist denominations have been allowed to register. However, churches with dissident pastors are not allowed to register nor are churches outside Ho Chi Minh City.

In the Central Highlands in 2001, authorities closed 1,250 religious sites in this region. As reported by Human Rights Watch, Protestants who refuse to affiliate with the Southern Evangelical Church of Vietnam and seek independent status are accused of ''sowing division.'' Individuals are harassed, literature confiscated, leaders are detained and interrogated and pressured to give up their faith tradition.

In the Northwest Provinces, forced renunciations of faith continued in the last year. Hmong Protestants in the Northwest Provinces have encountered the most problems in seeking legal recognition, as Vietnamese authorities have refused to acknowledge the legal existence of a reported 1,110 Protestant churches in the region. Approximately 200 Hmong churches have applied for registration under the new law, but they have encountered numerous obstacles, including some overt harassment.

For the Unified Buddhist Church of Vietnam, UBCV leaders Thich Quang Do and Thich Huyen Quang are still restricted in their contacts and movement. At least 13 other senior UBCV monks remain under some form of administration probation or actual ''pagoda arrest.''

At the time that the report was printed, the State Department estimates that there were six religious prisoners and 15 other individuals being held in some form of administrative detention on account of their religious beliefs. According to experts this number is likely to be higher.

While pressure on the government of Vietnam has begun to move the government to change its abusive practices, life for the average person in Vietnam continues to be grim.

I am extremely disappointed to hear that the issues of human rights and international religious freedom were not a priority during the

President's trip to Vietnam in November despite ongoing and widespread human rights abuses.

The people of Vietnam deserve our support. It is a tragic error to reward the government of Vietnam with normal trade relations while the people of Vietnam continue to be exploited.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I strongly support free trade with free nations. I can not in good conscience support free trade with a totalitarian regime like Vietnam which imprisons political dissidents, suppresses religious freedom and violates even the most basic of human rights.

I will continue to strongly advocate for an Andean Free Trade Agreement, and I will continue to voice my support for free trade with the impoverished nation of Haiti, which desperately needs the economic opportunities the United States can provide.

Although I would have eagerly voted to extend the trade agreements with Andean nations and Haiti, I am very disappointed that the Vietnam trade agreement was attached to this vote. Economic opportunities with the United States should be with nations who uphold some basic human rights.

Mr. HASTINGS of Washington. Mr. Speaker, I am disappointed to have to speak against this trade proposal today. I am from one of the most trade dependent states in the country and I have always supported the expansion of trade opportunities and fair trade agreements. I am well aware of how complex and interrelated the global economy is today and how important it is that we remain engaged with our trading partners to bring down trade barriers. I support Permanent Normal Trade Relations for Vietnam and many other provisions in this package.

However, I have a duty to speak out against this bill, because it proposes to continue unfair trade concessions to select Andean nations in exchange for absolutely nothing. I am speaking of the extension of the Andean Trade Preferences Act, which has been rolled into this package. ATPA is not a trade agreement—it is a one-sided proposition that writes off the interests of American farmers under the false premise that South American drug lords are going to give up lucrative cocaine production if they simply had the opportunity to export legitimate products duty free into the United States. It is fundamentally unfair for American farmers and has had dramatic repercussions in my district in Central Washington state.

One of the Peruvian products that have benefited most from the ATPA windfall is asparagus, which grows in the sandy coastal areas of Peru—not the mountain highlands where coca is produced. Since the implementation of the Andean Trade Preferences Act in 1991, imports of fresh Peruvian asparagus have soared from 2,800 metric tons to well over 55,631 metric tons. Similarly, imports of frozen asparagus from Peru have increased more than twenty times. This flood of duty-free imports has been devastating for American asparagus growers in the major production areas of Washington, Michigan, and California. It has also decimated much of the domestic asparagus processing capacity. In fact, facing a flood of inexpensive Peruvian imports, many asparagus processors simply closed their U.S. operations and reopened down in Peru.

Perhaps if you are not from an asparagus production area in this country, you may think this trade-off is worth it if it results in less narcotics production. The unfortunate reality is that this policy has failed. According to the White House Office of National Drug Policy, coca cultivation in Peru has increased to 94,000 acres—the highest level in eight years. The International Trade Commission noted that any impact to narcotics trade from ATPA is "small" and "indirect." Yet the impact to the American asparagus producer is the exact opposite. Nevertheless, here we are, asking American farmers to sacrifice their livelihoods for another six to twelve months under this bill to pursue a wholly unrelated anti-narcotics strategy.

Mr. Speaker, I regret that we are once again putting the interests of a handful of large industrial asparagus exporters in Peru ahead of our own fanners in Washington, Michigan, and California. It is an unfair policy that sends the wrong message at a time when we need to revive momentum for expanding global trade opportunities. I must therefore oppose this flawed legislation.

Mr. MEEK of Florida. Mr. Speaker, I rise today in support of H.R. 6406, a comprehensive trade package that has great potential to create tens of thousands of new jobs in the Haitian textile industry.

While the provisions in this bill are not as strong as in the legislation I introduced, I am relieved that after years of empty promises and delay that the Republican-controlled Congress finally has allowed a bill to come to the House floor that helps Haiti.

I have traveled to Haiti a half dozen times since entering the Congress. And on these trips I have met with Haitian business leaders who have told me time and again that the textile industry has suffered greatly and is inching closer to collapse.

The Haitian garment industry currently employs a mere 12,000 people—a tiny fraction of what it once was. In Port-au-Prince, the capital, 15 factories have closed in the last 2 years. By failing to act, Congress and the Bush Administration have enabled Haiti's miserable situation.

This bill is significant because one tenth of Haiti's national income comes from its textile exports. While the vast majority of Haitians live off less than $2 a day, the average Haitian garment worker earns twice that. Bread-winners in Haiti often support large extended families; grandparents, aunts and uncles, cousins, children, and their children's children often live under one roof.

Industry analysts estimate that the HOPE Act could generate as many as 30,000 new jobs. Haitians working in these textile jobs would not only possess the buying power to help stimulate the national economy, but the trickle down would directly impact the lives of tens of thousands of other people in this hemisphere's poorest country. Haitians need to return to work, and that's why I've supported granting Haiti preferential trade status for years.

The HOPE bill has the potential to revive this vital sector of the Haitian economy by allowing apparel assembled in Haiti using third-country fabrics duty-free access to the United States market. It is a scaled down version of The Haiti Economy Recovery Opportunity (HERO) bill, H.R. 4211, which I introduced in the House in 109th Congress.

It has taken this Congress far too long to act, but perhaps, at long last, help for Haiti is finally on the way.

Mr. THOMPSON of California. Mr. Speaker, as a combat Vietnam veteran, I have a strong personal understanding of why granting Permanent Normal Trade Relations status to Vietnam is so important for both our country and theirs. Reconciliation with our former adversary has been a long and on-going effort, and today we are taking a long step toward furthering that process.

This process began more than a decade ago when we lifted the trade embargo on Vietnam in recognition of the cooperation received from Vietnam in POW/MIA accounting. In May, the United States and Vietnam signed a bilateral WTO accession agreement, which was required as part of Vietnam's bid to join the WTO.

For the United States to participate in this trade agreement, Congress must pass legislation granting PNTR to Vietnam.

Mr. Speaker, it's important to understand that congressional approval of PNTR for Vietnam is a necessary step toward maintaining our competitive edge in the 21st century global economy.

By passing PNTR, farmers, ranchers, businesses, manufacturers and consumers will be able to take full advantage of Vietnam's rapidly expanding economy.

The facts speak for themselves: Vietnam has become our fastest growing export market in Asia. In just the last five years, trade between the U.S. and Vietnam has increased more than 400 percent, going from under $1 billion a year to $7.8 billion.

If we fail to pass PNTR, we are putting ourselves at a distinct disadvantage because we will be the only WTO member country that will not have access to Vietnam's booming economy.

Foreign competitors will get the benefit of lower trade barriers—benefits we negotiated—as U.S. farmers, manufacturers and businesses watch from the sidelines.

Also, granting PNTR status to Vietnam advances our interests in areas other than trade.

PNTR will promote ongoing internal reforms within Vietnam. WTO membership will require Vietnam to adhere to WTO rules of law and provide greater transparency where trade matters are concerned. Vietnam's laws and regulations that affect foreign trade and investment will need to be published and made publicly available.

In addition, Vietnam has been cooperative with our efforts to achieve full accounting of U.S. soldiers missing in action.

Enactment of PNTR will further this good working relationship.

Mr. Speaker, today, we have an opportunity to expand our economy and improve American prosperity. We also have an opportunity to eliminate the remnants from a war that ended more than three decades ago.

I urge my colleagues to support H.R. 6406.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in opposition to this bill which includes establishing permanent normal trade relations with Vietnam.

I have serious concerns about establishing PNTR with Vietnam without mandating essential human rights protections.

Despite the fact that the President removed Vietnam from the list of "Countries of Particular Concern, which happened to coincide with his trip to Vietnam, reports from people inside the country continue to cite ongoing harassment by the government on the basis of religion and political beliefs.

In addition to the Government of Vietnam's human rights violations against its own people, in August, the Government of Vietnam arrested and held a U.S. citizen, Cong Thanh Do—on false charges. Only with the efforts of many U.S. officials was Mr. Do released.

The Government of Vietnam arrested and imprisoned Mr. Do, a U.S. citizen, on false charges even when it was trying to convince the U.S. Congress to grant it permanent normal trade relations.

What practices will the Government of Vietnam engage in when they are not trying to convince the U.S. Congress to pass PNTR?

I think it would be irresponsible for this Congress to establish permanent normal trade relations with the Government of Vietnam at this time, without including critical human rights protections.

There is concern on both sides of the aisle about the continued human rights violations by the Government of Vietnam.

I urge my colleagues to oppose this bill until critical human rights protections are included.

Ms. ZOE LOFGREN of California. Mr. Speaker, unfortunately the Republican Chairman of the Ways and Means Committee introduced a 259-page trade bill that was delivered too late for most of us to really study. Many of us have not had a chance to thoroughly read the bill, let alone participate in committee hearings or a markup on the bill.

Even though we are on the House floor tonight getting ready to vote on a bill we know very little about.

Tucked away on page 74 of this 259-page bill is what appears to be a small provision on extending permanent normal trade relations (PNTR) with Vietnam, a bill that failed in the House last month.

Although I support some provisions in the bill before us, I am voting against H.R. 6406 because the PNTR provision does not do anything to improve human rights conditions in Vietnam.

We have a unique opportunity to significantly affect the state of human rights and political and religious freedom in Vietnam. It is a mistake not to use the leverage of PNTR to begin to gain these improvements in Vietnam.

Just two months ago, the Vietnamese government arrested my constituent, a U.S. citizen, Cong Thanh Do. Mr. Do had posted comments on the internet while at home in San Jose, California advocating that Vietnam undergo a peaceful transition to a multi-party democracy. For exercising his U.S. Constitutional right of free speech, the Vietnamese arrested him and held him in prison for 38 days in Vietnam without charges.

Other U.S. citizens have been imprisoned in Vietnam for what appear to be political reasons, including the sister of another one of my constituents, Thuong Nguyen ''Cuc'' Foshee, who was also released after pressure from U.S. legislators in the time before consideration of PNTR.

These Americans were freed, not because Vietnam had a sudden change of heart on human rights in their country, but precisely because they care so deeply about gaining permanent normal trade relations with the U.S. Given this experience, we know Vietnam is willing to make changes on human rights if we demand it in exchange for PNTR.

Sadly, although both Mr. Do and Ms. Foshee are free today and back in America, I am concerned about hundreds of Vietnamese nationals as well as other U.S. citizens imprisoned in Vietnam.

The Vietnamese government has repeatedly violated human rights. Hundreds of Vietnamese have been imprisoned, put under house arrest, or placed under intense surveillance for simply practicing their religion or speaking out about democracy and human rights in Vietnam.

Following his return to the U.S., Mr. Do provided me a disturbing list of over 130 Vietnamese nationals and U.S. citizens he believes are currently imprisoned in Vietnam as prisoners of conscience or harassed by the government for simply speaking about democracy and human rights.

In addition, groups such as the Human Rights Watch have published reports of 355 Montagnard prisoners of conscience currently imprisoned in Vietnam.

I am not alone in my concerns about Vietnam's human rights record. The Department of State, the U.S. Commission on International Religious Freedom, Amnesty International, the Committee to Protect to Journalists, and various Vietnamese-American groups have documented egregious violations of religious freedom, human rights, and free speech in Vietnam.

I have been a supporter of international trade. But I also know that the Vietnamese Government would correct their behavior in order to perfect a trading relationship with the United States. Given the alarming human rights violations currently underway in Vietnam, it seems a mistake for our country to grant PNTR to Vietnam without requiring that the Vietnamese government make significant improvements in respecting human rights, free speech, and freedom of religion.

The United States of America has a long and honorable tradition of safeguarding freedom and human rights throughout the world, especially with our trading partners. We should not make an exception for Vietnam.

At a time when we are spending 8 to 10 billion dollars a month and shedding the blood of our American servicemen and women proclaiming the cause to be democracy for Iraq, how is it that we can fail to use our mere economic leverage to try to achieve human rights in Vietnam?

With Vietnam's strong interest in PNTR, Congress has a unique opportunity to bring about substantive improvements in human rights. We should not pass up this one-time opportunity by sneaking through PNTR in a 259-page bill that was just introduced yesterday in the last week of a lame duck Congress.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, today, I am voting in opposition to H.R. 6406. This legislation addresses multiple trade issues which will have an important impact on the rights of workers.

I strongly support extending the benefits of the Andean Trade Preferences program, and I would like to vote for its renewal. However, H.R. 6406 only extends the Andean Trade Preferences program for 6 months and then holds any future extension hostage to the passage of the Colombia and Peru free trade agreements. The model used to draft these free trade agreements has failed to protect workers, and any trade agreement with either nation will require substantial review.

Additionally, H.R. 6406 includes an extension of Permanent Normal Trade Relations to Vietnam. Workers in Vietnam are denied basic human and labor rights, including the freedom of association and the right to form independent unions. Vietnam should meet all of the core international labor standards before it receives an extension of Permanent Normal Trade Relations.

Sadly, this legislation mixes good ideas with bad ones. For example, we ought to have the opportunity to cast a clear up or down vote on the Andean Trade Preferences, rather than be forced to vote against it because it is tied to flawed trade agreements. This bill was hastily written and given inadequate time for debate. While I support trade, we must ensure that our trade policy benefits working families, increases exports, decreases our trade deficit, and guarantees basic labor rights. Because this bill endangers these goals, I cannot support it.

The SPEAKER pro tempore (Mr. HAYES). All time for debate has expired.

Pursuant to House Resolution 1100, the bill is considered read, and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SHAW. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 212, noes 184, not voting 37, as follows:

[Roll No. 539]

AYES—212

Ackerman
Baird
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown-Waite, Ginny
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Case
Castle
Chabot
Chocola
Clay
Cole (OK)
Cooper
Costa
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis, Tom
DeGette
Delahunt
Dent
Dicks
Doggett
Drake
Dreier
Ehlers
Emanuel
Emerson
Engel
Eshoo
Farr
Feeney
Ferguson
Flake
Fossella
Frelinghuysen
Garrett (NJ)
Gilchrest
Gonzalez
Goodlatte
Granger
Graves
Harman
Harris
Hart
Hastert
Hastings (FL)
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hooley
Hoyer
Hulshof
Hyde
Inslee
Israel
Issa
Istook
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Keller
Kennedy (MN)
Kilpatrick (MI)
Kind
King (IA)
Kirk
Kline
Knollenberg
Kuhl (NY)
LaHood
Larsen (WA)
Larson (CT)
Latham
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lowey
Lungren, Daniel E.

Mack
Maloney
Manzullo
Marchant
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McKeon
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Moore (KS)
Moran (KS)
Moran (VA)
Musgrave
Neal (MA)
Northup
Nunes
Olver
Ortiz
Osborne
Oxley
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Ramstad
Rangel
Rehberg
Reichert
Renzi
Reynolds
Royce
Ruppersberger
Rush
Ryan (WI)
Sabo
Salazar
Schiff
Schmidt
Schwartz (PA)
Scott (VA)
Sekula Gibbs
Serrano
Sessions
Shadegg
Shaw
Shays
Shimkus
Simmons
Skelton
Smith (WA)
Snyder
Sullivan
Tanner
Tauscher
Terry
Thomas
Thompson (CA)
Thornberry
Tiberi
Towns
Udall (CO)
Upton
Van Hollen
Walden (OR)
Wasserman Schultz
Waters
Weiner
Weldon (FL)
Weller
Wexler
Wicker
Wilson (NM)
Young (AK)

NOES—184

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baldwin
Barrett (SC)
Barrow
Berry
Bilirakis
Bishop (UT)
Bonner
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Butterfield
Carson
Carter
Chandler
Cleaver
Clyburn
Coble
Conaway
Costello
Davis (IL)
Davis (TN)
Deal (GA)
DeFazio
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Doyle
Duncan
Edwards
Etheridge
Everett
Filner
Fitzpatrick (PA)
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Gerlach
Gingrey
Gohmert
Goode
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Hastings (WA)
Hayes
Hayworth
Hefley
Higgins
Hinchey
Hoekstra
Holden
Holt
Honda
Hostettler
Hunter
Inglis (SC)
Jackson (IL)
Jenkins
Jindal
Johnson, Sam
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
King (NY)
Kingston
Kucinich
Langevin
Lantos
LaTourette
Lee
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lucas
Lynch
Markey
Marshall
McCotter
McHenry
McHugh
McIntyre
McKinney
McNulty
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neugebauer
Owens
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pitts
Platts
Poe
Pombo
Radanovich
Rahall
Regula
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ryan (OH)
Ryun (KS)
Sánchez, Linda T.
Sanders
Saxton
Schakowsky
Schwarz (MI)
Scott (GA)
Sherman
Sherwood
Shuster
Sires
Slaughter
Smith (NJ)
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Tancredo
Taylor (MS)
Thompson (MS)
Tiahrt
Tierney
Turner
Udall (NM)
Velázquez
Visclosky
Walsh
Wamp
Watt
Weldon (PA)
Westmoreland
Whitfield
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—37

Baker
Berman
Blumenauer
Burton (IN)
Conyers
Cubin
Davis, Jo Ann
English (PA)
Evans
Fattah
Ford
Gallegly
Gibbons
Gillmor
Jefferson
Johnson (IL)
Jones (NC)
Kolbe
McCrery
McMorris Rodgers
Melancon
Miller, Gary
Norwood
Nussle
Oberstar
Obey
Otter
Paul
Sanchez, Loretta
Sensenbrenner
Simpson
Smith (TX)
Strickland
Sweeney
Taylor (NC)
Watson
Waxman

□ 1945

Mr. BACHUS and Mr. FRANK of Massachusetts changed their vote from ''aye'' to ''no.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. JONES of North Carolina. Mr. Speaker, due to a preexisting commitment with constituents in my district, I missed two rollcall votes this evening. I ask that the CONGRESSIONAL RECORD show that had I been present:

For rollcall No. 536—Adoption of the Rule for H.R. 6406, a bill to modify temporarily certain rates of duty and make other technical amendments to the trade laws, and to extend certain trade preference programs—I would have voted ''no'';

For rollcall No. 539—Adoption of the Rule for H.R. 6406, a bill to modify temporarily certain rates of duty and make other technical amendments to the trade laws, and to extend certain trade preference programs—I would have voted ''no.''

The SPEAKER pro tempore (Mr. REHBERG). Pursuant to section 2 of House Resolution 1100, the text of H.R. 6406, as passed by the House, will be appended to the engrossment of the House amendment to the Senate amendment to H.R. 6111.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 6338. An act to amend title 18, United States Code, to prevent and repress the misuse of the Red Crescent distinctive emblem and the Third Protocol (Red Crystal) distinctive emblem.

H.R. 6334. An act to reauthorize the Office of National Drug Control Policy Act.

H.R. 6345. An act to make a conforming amendment to the Federal Deposit Insurance Act with respect to examinations of certain insured depository institutions, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 4115. An act to amend the Controlled Substances Act to increase the effectiveness of physician assistance for drug treatment.

CONFERENCE REPORT ON H.R. 5682, HENRY J. HYDE UNITED STATES-INDIA PEACEFUL ATOMIC ENERGY COOPERATION ACT OF 2006

Mr. HYDE. Mr. Speaker, pursuant to the rule, I call up the conference report on the bill (H.R. 5682) to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. REHBERG). Pursuant to House Resolution 1101, the conference report is considered read.

(For conference report and statement, see proceedings of the House of December 7, 2006, at page H8934.)

The SPEAKER pro tempore. The gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 30 minutes.

Mr. MARKEY. Mr. Speaker, I would like to claim the time in opposition to the bill.

The SPEAKER pro tempore. Does the gentleman from California oppose the conference report?

Mr. LANTOS. Mr. Speaker, I do not oppose the bill.

The SPEAKER pro tempore. Pursuant to clause 8(d) of rule XXII, the gentleman from Illinois (Mr. HYDE), the gentleman from California (Mr. LANTOS), and the gentleman from Massachusetts (Mr. MARKEY) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include any extraneous material on the conference report to H.R. 5682.

The SPEAKER pro tempore (Mr. HAYES). Is there objection to the request of the gentleman from Illinois?

There was no objection.

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

Mr. Speaker, the President has said that legislation to permit the establishment of civil nuclear trade with India is essential to establishing a new global partnership between the United States and India. The conference report before this House is the product of more than a year of effort by Members and staff of the House International Relations Committee and the Senate Foreign Relations Committee. It is based on the separate bills passed overwhelmingly in the House and the Senate and preserves the key provisions of both.

The conferees believe that this report represents a judicious balancing of competing priorities that encompass a broad range of subjects from U.S. policy in South Asia to the highly technical and complex world of nuclear export licenses. It is the product of months of discussions with the administration regarding virtually every section, and the conferees have gone to great lengths to accommodate the administration on its issues of concern.

I would like to express my appreciation for the cooperation of the Committee on Science, the Judiciary, Energy, Government Reform, Armed Services and Rules in helping expedite

the consideration of this conference report. Their cooperation should not be interpreted as having any impact on their rights under the jurisdictional rules and precedents of the House.

I insert for the RECORD some correspondence related to this issue.

COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, December 5, 2006.

Hon. HENRY J. HYDE,
Chairman, Committee on International Relations, House of Representatives, Washington, DC.

DEAR CHAIRMAN HYDE: I write concerning H.R. 5682, the Henry J. Hyde United States and India Nuclear Cooperation Promotion Act of 2006, as amended. As you know, the Committee on Energy and Commerce has jurisdiction over Title II of the amended text.

I recognize your desire to bring this legislation before the House in an expeditious manner. Accordingly, I will not exercise my Committee's right to a full referral on the bill. By agreeing to waive its consideration of the bill, however, the Committee on Energy and Commerce does not waive its jurisdiction over H.R. 5682.

Thank you for your attention to these matters.

Sincerely,

JOE BARTON,
Chairman.

COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, December 5, 2006.

Hon. DUNCAN HUNTER,
Chairman, Committee on Armed Services, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 5682, relating to nuclear energy cooperation between the United States and India. I agree that the Committee on Armed Services has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to seek appointment of conferees in the interest of concluding the conference on H.R. 5682. I agree that by foregoing the appointment of conferees, the Committee on Armed Services is not waiving its jurisdiction. Further, this exchange of letters will be included in the Congressional Record during consideration of the conference report on the House floor.

Sincerely,

HENRY HYDE,
Chairman.

COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, December 5, 2006.

Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR CHAIRMAN BARTON: I write concerning H.R. 5682, the Henry J. Hyde United States and India Nuclear Cooperation Promotion Act of 2006, as amended.

I appreciate the fact that, although the Committee on Energy and Commerce has jurisdiction over substantial parts of Title II, you have been gracious enough not to exercise your Committee's right to a full referral on the bill, in order to expedite its consideration in the House consideration.

I acknowledge that by agreeing to waive its consideration of the bill, the Energy and Commerce Committee is not waiving any of its jurisdiction over the bill.

Thank you for your cooperation in this matter.

Sincerely,

HENRY J. HYDE,
Chairman.

COMMITTEE ON ARMED SERVICES,
Washington, DC, December 5, 2006.

Hon. HENRY HYDE,
Chairman, Committee on International Relations, Washington, DC.

DEAR MR. CHAIRMAN: On November 16, 2006, the Senate passed by unanimous consent S. 3709, the United States-India Peaceful Atomic Energy Cooperation Act. As you know certain provisions in S. 3709 fall within the jurisdiction of the Committee on Armed Services.

Our Committee recognizes the importance of S. 3709 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over certain provisions and would otherwise be entitled to the appointment of conferees, the Committee on Armed Services will not seek appointment on S. 3709 given the time constraints.

I would appreciate the inclusion of this letter and a copy of your response in the Congressional Record during consideration of the conference report on the House floor.

With best wishes.

Sincerely,

DUNCAN HUNTER,
Chairman.

COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, December 8, 2006.

Hon. HENRY. J. HYDE,
Chairman, Committee on International Relations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The House is scheduled to consider today the conference report on H.R. 5682, the ''United States-India Peaceful Atomic Energy Cooperation Act.'' Thank you for consulting with the Committee on Government Reform regarding section 231 regarding the protection of confidentiality of information.

While I am unable to support the policy set forth in section 231, I will not object to H.R. 5682 moving to the floor. I do so only with the understanding that this procedural route will not prejudice the Committee's jurisdictional interest and its prerogatives in this bill or similar legislation in the future.

I request that you include our exchange of letters on this matter in the Congressional Record during consideration, of this bill on the House floor. Thank you for your attention to these matters.

Sincerely,

TOM DAVIS,
Chairman.

COMMITTEE ON INTERNATIONAL RELATIONS,
December 8, 2006.

Hon. TOM DAVIS,
Chairman, House Committee on Government Reform, Washington, DC.

Dear Mr. Chairman: I am writing to you concerning the conference report for H.R. 5682, the ''United States-India Peaceful Atomic Energy Cooperation Act.'' Section 231, regarding the protection of confidentiality of information, is within the jurisdiction of your Committee.

In the interest of permitting this House to proceed expeditiously to consider the conference report for H.R. 5682, I appreciate your willingness to support this conference report moving to the floor. I understand that such a waiver only applies to this language in this bill, and not to the underlying subject matter.

I appreciate you willingness to allow us to proceed. I will insert this exchange of letters into the Congressional Record during the debate on this bill.

Sincerely,

HENRY J. HYDE,
Chairman.

COMMITTEE ON SCIENCE
Washington, DC, December 8, 2006.

Hon. HENRY J. HYDE,
Chairman, Committee on International Relations, Washington, DC.

DEAR MR. CHAIRMAN: I am writing regarding the jurisdictional interest of the Science Committee in H.R. 5682 as amended by the Senate, and the Conference Report to the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006 (H. Rpt. 109–721). The Science Committee has jurisdiction over Title II, United States Additional Protocol Implementation.

The Science Committee recognizes the importance of H.R. 5682 and the Conference Report and the need for the legislation to move expeditiously. Therefore, I will not stand in the way of floor consideration. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to allow the bill to come to the floor waives, reduces or otherwise affects the jurisdiction of the Science Committee, and that a copy of this letter and your letter in response will be included in the Congressional Record when the Conference Report is considered on the House Floor.

Thank you for your attention to this matter.

Sincerely,

SHERWOOD BOEHLERT,
Chairman.

COMMITTEE ON INTERNATIONAL RELATIONS,
December 8, 2006.

Hon. SHERWOOD BOEHLERT,
Chairman, Committee on Science, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the jurisdictional interest of the Science Committee in H.R. 5682 as amended by the Senate, and the Conference Report to the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of2006 (H. Rpt. 109–721). I appreciate your willingness to work with me so that is important legislation can move expeditiously.

By allowing the Conference Report to be scheduled for floor consideration, I agree that the Committee on Science has not waived, reduced or otherwise affected the jurisdiction of the Science Committee, nor should this action be taken as precedent for other bills. I further agree that a copy of our exchange of letters will be included in the Congressional Record when the Conference Report is considered on the House Floor.

Thank you for your attention to this matter.

Sincerely,

HENRY HYDE,
Chairman.

Mr. Speaker, this legislation provides the President with the authority he requires to permit the establishment of civil nuclear cooperation with India while also protecting the traditional congressional prerogatives in approving agreements of this type. It also strengthens the global nonproliferation regime by ensuring that India will become a full and active participant in efforts to prevent the spread of nuclear weapons capability, especially regarding Iran.

The conferees believe this conference report will pass overwhelmingly in both houses and quickly be signed by the President. Upon signing, the President will be able to proceed with the negotiation of a civil nuclear cooperation agreement with India that will become the cornerstone of a new and cooperative partnership between the U.S.

and India, the world's two largest democracies.

Mr. Speaker, I strongly support this legislation and urge my colleagues to vote for its passage.

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

Mr. LANTOS. Mr. Speaker, I rise in strong support of this conference report, and I yield myself such time as I may consume.

Mr. Speaker, India today is the preeminent state in South Asia. It is becoming a political and economic powerhouse of over 1.1 billion people with a thriving economy and a vibrant democracy. By these and other measures, India is a state that should be at the very center of our foreign policy and our attention. Regrettably, during the Cold War our two countries were unnaturally estranged by the dynamics of the international system. Slowly, during the 1990s our countries' interests began to converge and our relationship warmed.

Then, Mr. Speaker, 6½ years ago President Clinton made a historic trip to India and ushered in a new era of cooperation between our two great democratic nations. Washington and New Delhi have wisely built upon the foundations that President Clinton laid. Today they expand this mighty architecture of cooperation and friendship by approving, on a strongly bipartisan basis, the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006.

With this legislation, the House of Representatives steps forth into the spotlight to offer its judgment on one critical element of this new relationship, civilian nuclear cooperation, and it establishes the process by which Congress will in the near future review and vote on the final agreement to implement such cooperation. This expansion of peaceful nuclear trade with India will usher in a new partnership between India and the United States based on our shared objective of preventing the spread of dangerous nuclear technology to countries and groups that would use it for evil purposes.

This is not the administration's bill, Mr. Speaker. Their original proposal sought to give the President complete authority to waive all restrictions under current law that would have complicated implementation of the U.S.-India nuclear trade and to severely limit congressional oversight by securing a preapproval for whatever agreement the U.S. and India conclude. There would have been no effective subsequent review by the Congress. By contrast, at our insistence, this legislation strikes the right balance between giving the President the necessary flexibility to negotiate the best agreement possible with New Delhi while at the same time preserving congressional oversight and the right of consent to the resulting agreement.

Mr. Speaker, this conference report follows the model laid out in the Hyde-Lantos legislation overwhelmingly approved by the House last July. It ensures that Congress will have the final word on whether or not the final agreement for cooperation with India can become law. This conference report will provide the President with only partial authority to waive current provisions of U.S. law to allow peaceful nuclear-related trade with India to take place. But cooperation could only take place after Congress has approved the agreement of cooperation itself.

Mr. Speaker, the legislation will help fashion a partnership with India to further U.S. nonproliferation goals. The passage of the conference report will also adopt the implementing legislation for the U.S.–IAEA additional protocol. That legislation will finally allow us to bring that protocol in force which will promote the U.S. goal of all states adopting the enhanced safeguards contained in the additional protocol.

Mr. Speaker, this is a historic day for this House and for the United States. I urge all of my colleagues to give their full support to this conference report and to help usher in a new day in U.S.-India relations.

Mr. Speaker, it is only fitting that on the last day of this session of Congress, Chairman HYDE is chairing a bipartisan agreement done with cooperation in both Chambers. H.R. 5682 represents the right way of legislating, ample preparation, consideration of all ideas, bipartisan cooperation, cordial relations with the other body, and keen attention to institutional prerogatives. It is especially fitting that it will be forever identified with the outgoing chairman of the House International Relations Committee. And if it weren't for his astonishing array of accomplishments, the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act could easily become known as the crowning achievement of the gentleman from Illinois.

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But the fact is, Mr. Speaker, this groundbreaking legislation is but one of the innumerable milestones in HENRY HYDE's impressive record of public service. HENRY is retiring from Congress after choosing not to seek a 17th consecutive term. He would have loved to stay with us longer, but as he recently told an interviewer, Father Time and Mother Nature have a way of beating up on me.

By contrast, Mr. Speaker, I am confident that history will be kind to HENRY HYDE. A member of the International Relations Committee since 1982, HENRY has been a key figure in crucial debates and decisions about war and peace, international arms control, the expansion of NATO, United Nation's reform, and halting the spread of HIV/AIDS, which he has astutely compared to the bubonic plague in its tragic scope.

HENRY has also served with great distinction on the Judiciary and the Intelligence Committees, but I will let another speak to his achievements there, and of course the continued, devoted support by his constituents through 16 terms in Congress speak volumes about his work on behalf of his district.

It was in the political caldron of Chicago that HENRY HYDE became entranced with politics early in life. He grew up as an Irish Catholic Democrat, but strayed from the faith in time to vote for Dwight David Eisenhower for President, so he became a Republican sometime in the 1940s.

But, Mr. Speaker, I prefer not to dwell on the things that divide me from my dear friend, HENRY HYDE. Rather, I would like to point out that both of us came of age during the Second World War, and this has formed our world views and forged our common value, and it is on this basis that we have often seen eye to eye and found ourselves shoulder to shoulder in struggles that consistently have been of service to our national security from the intricacies of key institutional agreements to the staggeringly complex issues involved in the fight against global terrorism.

HENRY has held a firm grip on the gavel in the International Relations Committee these past 6 years, through some of the most pivotal and riveting challenges of our times. He wielded his authority with fairness, intellectual honesty and no small amount of wit. As The Washington Post noted in 1998, he has managed to maintain a reputation for evenhandedness, for patience and restraint, a remarkable feat for someone known both for his savagely held beliefs and for his keen sense which way the wind blows.

Mr. Speaker, the International Relations Committee flourished under HENRY HYDE's direction. It will be daunting for me to take up the gavel as HENRY HYDE leaves us, Mr. Speaker. Anyone who knows him will understand how much HENRY will be missed in our committee and in this House.

Earlier this week, we commemorated HENRY's contributions by lending his name to a room in this very building of the Capitol. He will, therefore, always have a place here, and what is far more important, he will have a place in the hearts of his colleagues.

Some of us may disagree with some of his policies, but he is one of the institutional treasures around here, a true gentleman of the House.

Mr. Speaker, section 104(b)(2) requires that the President determine that India and the IAEA have completed all legal steps required prior to signature for an IAEA–India safeguards. That agreement must apply safeguards in perpetuity in accordance with IAEA standards, principles and practices. It references IAEA Board of Governors Document GOV/1621 (1973) as one of the IAEA guiding documents relating to standards for perpetuity of safeguards. I attach that document for the RECORD.

SAFEGUARDS

(b) THE FORMULATION OF CERTAIN PROVISIONS IN AGREEMENTS UNDER THE AGENCY'S SAFEGUARDS SYSTEM (1965, AS PROVISIONALLY EXTENDED IN 1966 AND 1968)

MEMORANDUM BY THE DIRECTOR GENERAL

(1) A substantial number of Governors have urged that there should be a greater degree of standardization than in the past with respect to the duration and termination of such agreements as henceforth be concluded under the Agency's Safeguards System (1965, as Provisionally Extended in 1966 and 1968) for the application of safeguards in connection with nuclear material, equipment, facilities or non-nuclear material supplied to States by third parties. To achieve this, it is recommended that the following two concepts should be reflected in these agreements:

(a) That the duration of the agreement should be related to the period of actual use of the items in the recipient State; and

(b) That the provisions for terminating the agreement should be formulated in such a way that the rights and obligations of the parties continue to apply in connection with supplied nuclear material and with special fissionable material produced, processed or used in or in connection with supplied nuclear material, equipment, facilities or non-nuclear material, until such time as the Agency has terminated the application of safeguards thereto, in accordance with the provisions of paragraph 26 or 27 of the Agency's Safeguards System.

A short exposition with respect to the application of these concepts is annexed hereto.

(2) The proposed standardization would appear likely to facilitate the uniform application of safeguards measures. It is furthermore to be noted that the combined operation of the two concepts would be consistent with the application of the general principle embodied in paragraph 16 of the Agency's Safeguards System.

REQUESTED ACTION BY THE BOARD

(3) In bringing this matter to the Board's attention, the Director General seeks the views of the Board as to whether it concurs with the two concepts set out in paragraph 1 above.

ANNEX

(1) In the case of receipt by a State of source or special fissionable material, equipment, facilities or non-nuclear material from a supplier outside that State, the duration of the relevant agreement under the Agency's Safeguards System would be related to the actual use in the recipient State of the material or items supplied. This may be accomplished by requiring, in accordance with present practice, that the material or items supplied be listed in the inventory called for by the agreement.

(2) The primary effect of termination of the agreement, either by act of the parties or effluxion of time, would be that no further supplied nuclear material, equipment, facilities or non-nuclear material could be added to the inventory. On the other hand, the rights and obligations of the parties, as provided for in the agreement, would continue to apply in connection with any supplied material or items and with any special fissionable material produced, processed or used in or in connection with any supplied material or items which had been included in the inventory, until such material or items had been removed from the inventory.

(3) With respect to nuclear material, conditions for removal are those set out in paragraph 26 or 27 of the Agency's Safeguards System; with respect to equipment, facilities and non-nuclear material, conditions for removal could be based on paragraph 26. A number of agreements already concluded have prescribed such conditions in part, by providing for deletion from the inventory of nuclear material, equipment, and facilities which are returned to the supplying State or transferred (under safeguards) to a third State. The additional provisions contemplated would stipulate that items or non-nuclear material could be removed from the preview of the agreement if they had been consumed, were no longer usable for any nuclear activity relevant from the point of view of safeguards or had become practicably irrecoverable.

(4) The effect of reflecting the two concepts in agreements would be that special fissionable material which had been produced, processed or used in or in connection with supplied material or items before they were removed from the scope of the agreement, would remain or be listed in the inventory, and such special fissionable material, together with any supplied nuclear material remaining in the inventory, would be subject to safeguards until the Agency had terminated safeguards on that special fissionable and nuclear material in accordance with the provisions of the Agency's Safeguards System. Thus, the actual termination of the operation of the provisions of the agreement would take place only when everything had been removed from the inventory.

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

Mr. MARKEY. Mr. Speaker, I yield myself as much time as I may consume.

First, let me begin by complimenting the gentleman from Illinois, Mr. HYDE. Like Mr. HYDE, I was born a Democrat and baptized a Catholic just 7 days later. So I know how big a decision it must have been to have abandoned that Democratic birthright. But he has been a historic figure in this institution. I want to associate myself with everything that the gentleman from California said about you.

But I do believe that this bill is a historic mistake. The world is looking at this institution this evening. It is wondering what in the world the United States is thinking in giving an exemption to the Nuclear Nonproliferation Act to a country which is a nonsignatory to the Nuclear Nonproliferation Treaty.

What is the signal that that will send to Pakistan? What is the signal that that will send to Iran, to Syria, to Egypt, to Venezuela, to North Korea? What is the signal that we are sending with regard to the entire nuclear nonproliferation regime which has served this world well since the 1960s?

I think that the message they are receiving is that there is going to be a double standard, and a double standard which, unfortunately, from my perspective, is going to lead to a rapid escalation of the development of nuclear weapons programs in country after country around the world.

Right now, India has a nuclear weapons program that experts estimate produces approximately 7 per year. Because the nuclear fuel, which this bill will make possible, frees up the domestic uranium supply in India, experts estimate that it will increase to 40 to 50 the number of nuclear weapons which India can produce per year, because we, the United States, in passing this legislation, will ensure the supply of their civilian nuclear energy needs.

Why should we care about that? Well, the reason that we should care about that is that Pakistan is now developing and building their own nuclear material production facility, which experts indicate will increase from two to three nuclear bombs per year to 40 to 50 nuclear bombs per year. That is what a nuclear arms race looks like. That is what the nuclear arms race between the United States and Soviet Union looked like in the 1950s, in the 1960s and in the 1970s, and what we are doing out here is pouring fuel onto this fire, rather than calling an international conference to bring together these parties and others in order to put in place a real nuclear weapons control regime. Instead we are turning a blind eye to the reality of what is going on in the South Asian continent.

So, ladies and gentlemen, this is a historic moment, a moment that we will look back on, not perhaps tomorrow, or next week, but 5 years from now, 10 years from now. People will point back to this night, this last night of the Republican control of Congress, this last night when the Republican-controlled House and Senate can produce for President Bush this anti-nuclear weapons control policy that he has been engaging in for the last 6 years and say this was the moment that crossed the line where ever country said to themselves, why should we, as signatories of the Nuclear Nonproliferation Treaty, abide by those rules when the United States selectively gives exemptions to countries that are not signatories to the nuclear nonproliferation policy.

You cannot preach temperance from a bar stool. The hypocrisy coefficient is at historic heights when the United States believes that the rest of the world will listen to us as we preach that they should not be interested in nuclear weapons, even as they are helping to facilitate the Indians in developing an ever greater capacity to produce nuclear weapons inspect that country.

Why should we care? We should care because A. Q. Khan, the nuclear Johnny Appleseed, the nuclear Pied Piper, who spread nuclear weapons from North Korea through the Middle East, is still living in Pakistan, living in a palace, still not in prison. His associates, his men, still walking the streets of Pakistan. Al Qaeda is headquartered in Pakistan, still unapprehended.

What is the message that we are sending? We are sending a message that the nuclear arms sellers are back on the road, selling to anyone who will purchase. That is the message that we are sending.

So tonight is a historic vote. It is a vote that will be looked back at as one of the most important that we have ever cast here in Congress. Sadly, it is

not going to receive even a fraction of the attention which it deserves.

But I tell you this, ladies and gentlemen, when and if this nuclear war breaks out, we will look back. At least we should be able to say we tried, we really tried to put an end to the nuclear arms race on the South Asian continent. This is what this debate tonight is all about.

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

Mr. HYDE. Mr. Speaker, I yield 4 minutes to the incoming ranking Republican on the International Relations Committee, the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank my chairman for his leadership and for his time.

Mr. Speaker, as an original cosponsor of this legislation, Mr. Speaker, and as cochair of the Congressional Caucus on India and Indian Americans, I rise in support of H.R. 5682, the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006. I would like to thank Chairman HYDE, as well as Ranking Member LANTOS, for their dedicated work on this issue and for their willingness to work with me and so many members of our House International Relations Committee, as well as the House as a whole, to ensure that the conference report before us tonight achieves the difficult balance of expanding cooperation with our democratic ally, India, while also promoting U.S. global nonproliferation policy.

Because the conference report closely tracks the bill which was passed overwhelmingly by the House in July, I need not list its specific provisions, other than to say that it preserves the central features of the House text, such as ensuring that Congress retains its traditional role in approving nuclear cooperation agreements.

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Also in reinforcing the indispensable role of the nuclear suppliers' club in preventing proliferation and encouraging India's cooperation in stopping Iran's efforts to develop their nuclear weapons capability. It has been significantly strengthened by the inclusion of many important sections from the companion legislation approved by the Senate.

Let me address the larger and more important context in which this legislation should be viewed. By providing the legal foundation for civilian nuclear cooperation between the United States and India, it achieves a key step of the global partnership with India that was announced on July 18 of last year by President Bush and Prime Minister Singh. This far-sighted and historic initiative is a long-delayed recognition that the two largest democracies share an extraordinary array of common interests and that a closer and increasingly cooperative relationship between them holds enormous potential to promote the strategic partnerships and interests of both. If allowed to grow, it will undoubtedly produce a major realignment of the international system as a whole and an entirely positive one.

India and the United States have already traveled a long way toward building that new relationship. India stands alongside the United States in the effort to confront and eliminate the scourge of global terrorism and to reduce the instability and the conflict in South Asia and elsewhere. We look forward to expanding the areas of common interest and joint action. Nowhere is that cooperation more important, Mr. Speaker, than in stopping the spread of nuclear weapons.

I should note that this legislation affirms that India is a country that has demonstrated responsible behavior with respect to nonproliferation of technology related to weapons of mass destruction programs and the means to deliver them and that it is working with the United States in key foreign policy initiatives related to nonproliferation.

To further that goal, this legislation establishes as U.S. policy securing India's participation in the Proliferation Security Initiative, which is a cooperative arrangement among the world's powers to intercept the illicit movement of nuclear materials and other dangerous items by sea or air. India's cooperation would be a major addition to the world's efforts in this difficult but essential task. I am confident that her government will move quickly to assume a more prominent position among the initiative's growing ranks.

Lastly, Mr. Speaker, I am glad that this historic bill carries the name of HENRY HYDE; a leader of great proportions, a mentor to so many of us, a man of principles, a living legend, our friend, HENRY HYDE.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 5 minutes to the gentleman from New York (Mr. ACKERMAN), a senior distinguished member of the International Relations Committee and one of our outstanding experts on U.S.-India relations.

Mr. ACKERMAN. Mr. Speaker, I thank Mr. LANTOS, our soon-to-be chairman of the committee.

Mr. Speaker, today is truly a historic day for U.S.-India relations. Chairman HYDE, who deserves all of the accolades that he received today, has worked very hard, and, together with Ranking Member LANTOS, they have done extraordinary work to bring before us a conference report that will transform our relationship with India and bring reality to the process of nuclear nonproliferation. I congratulate them both for their tremendous efforts and for their tremendous and enormous achievement.

Mr. Speaker, if you liked this bill in January, and you overwhelmingly did, then you are going to love this conference report. If you were worried about seeing the agreement before it was final, then you will love this conference report, because it gives Congress another chance to scrutinize and vote on approving the final deal.

If you wanted the IAEA to be able to inspect India's nuclear facilities, then you are for this conference report, because two-thirds of all of India's nuclear facilities will now be under IAEA safeguards. It is a no-brainer. Without this, we get to inspect zero; with this, two-thirds of India's nuclear facilities.

If you wanted India for the first time ever to commit to the MTCR guidelines, then you get that in this conference report.

If you wanted India for the first time ever to adhere to the Nuclear Suppliers Group guidelines, you get that in this conference report.

If you wanted to send a clear message to nuclear rogue states about how to behave, then you are for this conference report. You are for it because it shows that responsible nuclear powers are welcomed by the international community and not sanctioned.

If you wanted a broad, deep, enduring strategic relationship with India, then you are for this conference report.

For 30 years, U.S. policy towards India has been defined and constrained by our insistence on punishing India for its sovereign decision not to sign the Nuclear Nonproliferation Treaty. Truth be told, if India had conducted its nuclear tests a little earlier, it would have been treated the way we treat China and Russia and France and Britain and ourselves; in short, as a grandfathered member of the nuclear weapons club. But they did not test earlier, and nothing we have tried over the last 3 decades has convinced them to give up their nuclear weapons program, and nothing we say over the next 3 decades will convince them either.

India is a responsible nuclear power and deserves to be treated that way. The conference report before us does just that.

Critics have expressed concerns regarding the bill's impact on our nonproliferation policy, and clearly Iran and Pakistan and North Korea are looking for clues about what this deal means for them and their nuclear programs. Let them understand the message. If you want to be treated like India, be like India. Be responsible. Be a good international actor with regard to weapons of mass destruction technology. Be like India. Don't sell your technology to the highest bidder. Be like India. Don't provide it to terrorists. Be a democracy, a real democracy, such as India, and work with us on important foreign policy objectives, and not against us.

That is the message that we are going to send today.

Does it warm your heart and make you comfortable that Iran and North Korea signed the NPT, but they are now running away from their fully accepted and freely accepted obligations and away from IAEA inspections? India

didn't sign the NPT, and yet it is embracing the IAEA and embracing nonproliferation norms and is a democracy. India's attitude should be recognized and commended, not criticized and condemned.

Practically speaking, there are only two options, and they are before us today: One is to vote ''no'' and continue the status quo, which means India goes on pursuing its national interests as it has been doing outside of the nonproliferation mainstream, and we get to inspect nothing. The other is to vote ''yes,'' make the deal with India and get for the United States and the international community a window in perpetuity into two-thirds of India's existing nuclear facilities and all of its future civilian nuclear facilities.

The choice is clear. The conference report brings India into the nonproliferation mainstream and gets the United States and international community access to India's civilian nuclear facilities.

Mr. Speaker, it is time for a 21st century policy toward India, one that supports and encourages India's emergence as a responsible global power and solidifies the U.S.-India bilateral relationship for decades to come.

Not that it needs it, but the bill gives a great name, that of HENRY HYDE, to this remarkable piece of legislation. We salute you, Mr. Chairman.

I urge a ''yes'' vote on H.R. 5632.

Mr. HYDE. Mr. Speaker, I thank Mr. ACKERMAN for a brilliant statement, as well as his cordial sentiments.

Mr. Speaker, I am delighted to yield 4 minutes to the gentleman from California (Mr. ROYCE), the chairman of the Subcommittee on International Terrorism and Nonproliferation, who has an awful lot to do with the ultimate product that we are voting on today.

Mr. ROYCE. Mr. Speaker, I rise in support of the Henry J. Hyde bill.

I want to address a concern raised earlier by the gentleman from California. I share his concern about A.Q. Khan. But Dr. Khan is in Pakistan, and we would not do this deal for Pakistan, because Pakistan proliferates. India does not. The nuclear fuel and materials we and the world may sell India will be for the civilian sector only, not the military, and will be under strict international safeguards and inspections by the International Atomic Energy Agency.

While nuclear energy is controversial to us in the United States, it is not controversial in India. As in several other countries, nuclear energy is viewed as a critical technology, one that is central to uplifting hundreds of millions of impoverished Indians, because they need the electricity for their grid. So India will develop its nuclear energy sector, not as easily or quickly as without this deal, but it will nonetheless, and India will not relinquish its nuclear weapons at this point in time, which is understandable given its security situation.

Right now, because of existing restrictions, many Indians view the U.S. as blocking India's technological and developmental aspirations by opposing their acquiring nuclear material and technology for clean energy. This position does not make for a strong partnership.

With its growing economy, India is consuming more and more oil. It is competing on the world market, competing with American consumers, for limited hydrocarbon resources. This gives Americans an interest in helping India expand its nuclear power industry, which this legislation does. It also encourages India to move away from burning its highly polluting coal.

By passing this conference report, we take a big step towards internationalizing India's nuclear industry, which I believe would make it safer. Young Indian scientists and engineers in the nuclear field are interested in collaborating with their American counterparts. Today they are isolated. I would rather know more about India's nuclear work than less.

We have two options: either continue to try to box in India and hope for the best, and, as I mentioned, India will not relinquish its nuclear weapons now; or we make this move, engage India, and use our influence to move this increasingly important country in our direction, making India a true partner as we enter what will be a decades-long struggle against Islamic terrorism.

This is not an ideal agreement and the administration should be more aggressively pursuing an international fissile material cutoff, but it is a very good agreement, one that works through a very difficult nonproliferation situation to strengthen an important relationship.

So I urge my colleagues to support the conference report. I would also mention that during the course of the committee's five hearings on this agreement, Members closely scrutinized India's relationship with Iran, and I think it is fair to say that our committee helped influence India's thinking on Iran. We got India's support for two IAEA votes, voting twice at the IAEA to find Iran in noncompliance with its safeguard obligations and to report Iran to the Security Council.

Importantly, this bill preserves congressional oversight, and that was not the administration's preferred approach, and gives Congress another bite at the apple, requiring a joint resolution of approval of the nuclear cooperation agreement. So India knows that Congress is continuing to watch.

Mr. Speaker, I thank the gentleman for yielding me time. I again commend Chairman HYDE. We honor him tonight with the title of this bill.

Mr. MARKEY. Mr. Speaker, I yield 3⅙ minutes to the gentlelady from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I thank the gentleman for yielding, and also for his very clear presentation tonight as to why this is such a bad bill and bad conference report.

First of all, let me just say, Mr. Speaker, that I had the privilege to visit India a few years ago with my distinguished colleague from New York (Mr. CROWLEY) and our distinguished colleague from Maryland (Mr. HOYER).

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I witnessed firsthand the brilliance and the spirit and the commitment to democracy of the Indian people, and like many of my colleagues, I strongly believe that it is in our country's interests to strengthen our relationship with India economically, politically and culturally.

But to suggest that we can do so only at the expense of the international nonproliferation standards, as this conference report for the India nuclear deal before us would, is really both dishonest and it is dangerous.

Mr. Speaker, as far as I am concerned, there is no country, and I mean no country, for which it should be acceptable to sacrifice our international standards.

The problem with this deal as it is currently written is that it will do lasting harm to more than 30 years of international efforts to stop the spread of nuclear weapons. This deal creates a double standard which undermines our efforts to stop countries like Iran and North Korea from developing nuclear weapons.

This deal creates incentives for withdrawing from the Nuclear Nonproliferation Treaty. Why have countries like Brazil and South Korea spend all these years playing by the rules and not building nuclear weapons in exchange for civilian technology when India gets both?

This deal sets a dangerous precedent. In explaining Beijing's rationale for potentially pursuing a deal with Pakistan, Professor Shen Dingli of China's Fudan University has already argued and said, if the U.S. can violate nuclear rules, then we can violate them also.

We should be fighting to save what is left of the international nonproliferation framework, not discarding it. There is no need to rush through with this conference report on the last day of this 109th Congress. We must go back to the drawing board and make sure this proposed nuclear cooperation agreement maintains international nonproliferation goals, and we can do this when the 110th Congress begins in January.

Ideally, India should formally commit to the goals and restrictions on the international nonproliferation framework and sign the Nuclear Nonproliferation Treaty. Short of that, we must insist on specific nonproliferation safeguards as specified in an amendment if you remember which I offered in this bill when it was considered in July.

This amendment basically would have required India to commit to the basic principles consistent with the NPT. Unfortunately, the amendment was not made in order.

The world is a dangerous place, Mr. Speaker. Nuclear weapons are pointed in all directions. Compliance with the Nuclear Nonproliferation Treaty is a basic standard that we should require in all nuclear deals and arrangements. This bill goes in the opposite direction. Without these commitments, we should reject this nuclear deal.

Finally, Mr. Speaker, I would just like to thank the chairman, Mr. HYDE, for his leadership and his fairness as chair of the International Relations Committee and specifically as it relates to HIV and AIDS and orphans and moms with children and the respect you have shown the minority. I wish you happiness and good luck and good health in this next chapter of your life.

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

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 3½ minutes to the gentleman from New York (Mr. CROWLEY), a distinguished member of the International Relations Committee, my good friend, a recognized expert on U.S.-India relations.

Mr. CROWLEY. Mr. Speaker, I thank my friend and colleague from California (Mr. LANTOS) for yielding me this time.

I, too, want to rise in strong support of the Henry Hyde India Nuclear Energy Cooperation Act.

I want to commend my friend and chairman, who I have deep respect for, Chairman HYDE, and my soon-to-be Chair of the International Relations Committee, Mr. LANTOS, for their work they put into crafting this bipartisan conference report.

I would also like to commend the staff of both the House International Relations Committee and the Senate Foreign Relations Committee for the work they have done to reach a compromise on this deal before we end this 109th Congress.

We here in Congress are not the only ones who have been engaged in pushing forward this important cooperation agreement or this bilateral relationship. I must also recognize the work of the Indian American community for the incredible advocacy they have demonstrated and the incredible support they have demonstrated for this legislation.

This legislation creates a two-step process, and by passing the conference report today, we will have taken that very important first step.

The second step rests upon negotiations between the United States and India, as well as India and the International Atomic Energy Agency and with the Nuclear Suppliers Group.

I would like to be clear that this vote sets the stage for allowing cooperation, but the actual exchange of civilian nuclear cooperation will not take place until Congress is provided with the details of those relevant negotiations and takes a second up or down vote.

I urge my colleagues to end India's nuclear isolation and allow them to be brought into the nonproliferation tent with the rest of the responsible states who seek safe and efficient civilian nuclear technology. I have held the belief that this bill is not about nuclear weapons as much as it is about nuclear energy.

I urge my colleagues to begin building a pathway of cooperation in energy with India that will help the economy of India grow and help American business opportunities prosper.

India's booming and growing economy needs fuel, and plenty of it, to uplift the lives of hundreds of millions who live in abject poverty. There is not enough wood, enough gas or enough oil in this world to sustain that growth. The greenhouse gases which have been produced by expending those fuels would be an unwelcome byproduct.

Passing this legislation opens up a new pathway of opportunity for energy development that will lower greenhouse gases, provide reliable electricity and, strengthen India's economy.

I am proud that the U.S. will work with India to see India and the Indian people reach their full potential. If we expect India to be our ally in the 21st century, we must treat them as an equal, which is what the cooperation will demonstrate.

I trust my colleagues will recognize what our future with India holds and vote for final passage of this legislation.

I just want to point out to my good friend, the gentlewoman from California (Ms. LEE), who spoke about her amendment, it is impossible for India to sign the Nonproliferation Treaty because she has already detonated that weapon in the early 1970s. She would have to put those weapons away and say she would never develop them again and put them beyond use and verifiable use before she can sign the treaty. It simply is not going to happen.

They have demonstrated that they are a good player in this field, as Mr. ACKERMAN said. If you want to be like India and get this deal, act like India.

Mr. MARKEY. Mr. Speaker, I yield 3½ minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I rise in strong opposition to this legislation.

Let the record show that if or when a mushroom cloud ever erupts over an American city, it will be traced back to this unwise vote in the United States Congress and to the bone-headed policy of this administration towards treaty obligations for Nunn-Lugar safeguards and the sale of nuclear materials to India.

When I was a boy, this country sold F–15s to Iran so that Iran could offset Soviet power in South Asia. Because we sold F–15s and other arms to Iran, we wound up selling chemical weapon precursor materials to Iraq to offset Iranian power in the Middle East. Today, we have 135,000 troops in Iraq, in part because of that string of bad decisions.

Now we are told that to offset Chinese power in Asia, we should sell nuclear materials to India which would free up Indian nuclear reactors to produce many more nuclear weapons for the Indian nuclear weapons program.

If we approve this deal with India, it would encourage China to increase its nuclear arsenal. I submit to you that we Americans are one of the potential targets of that enhanced Chinese nuclear arsenal.

Even more worrisome is that an Indian nuclear buildup would further accelerate the Pakistani nuclear buildup.

While I have strong confidence in the stability of the Indian Government and in the stability of Indian democracy, I have much less faith in the stability of the Pakistani Government and of Pakistani democracy, especially of the Pakistani Government's ability to keep under control those nuclear weapons which it already has and the additional weapons it would build because of this Indian nuclear buildup.

If there is a military coup in Pakistan, we should be very, very concerned, not only about the stability of South Asia, but of the whole world. There have been three military coups in Pakistan since its independence in 1947.

Rather than approving nonsignatory states in violation of the nonproliferation treaties, the better course of action is to respect international agreements and to immediately bring to the Senate a total ban on nuclear testing and comprehensive treaties to curtail nuclear proliferation.

On the last night before our July recess, there were only 68 of us in this House who voted against approving the legislation to permit sales of nuclear materials to India. Tonight, on the last night of the 109th Congress, we are voting on the House-Senate conference report.

I ask, I implore more of my colleagues to join me to prevent adding fuel to the fire of nuclear proliferation in South Asia. This legislation, and the following sale of nuclear materials to India, blows out of the water any hope we have of treaty constraints on the proliferation of nuclear weapons.

I want to make it clear in this record and for history that the actions of this administration in containing nuclear proliferation have been patently irresponsible. This administration has underfunded the Nunn-Lugar legislation, which takes nuclear materials out of the open market which would otherwise have been available for sale to terrorists.

This administration has failed to support international treaties limiting nuclear weapons proliferation, and now it has proposed treaties with India that would sell India nuclear materials that would result in a nuclear arms race between India and China and India and Pakistan.

Compared to this, the resolution to go to war in Iraq was a piker. Let us

pull back from the brink of this nuclear precipice.

Mr. HYDE. Mr. Speaker, I would ask Mr. LANTOS if he needs some additional time.

Mr. LANTOS. Yes, we do.

Mr. HYDE. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from California (Mr. LANTOS), if that will help, for purposes of control.

Mr. LANTOS. We are very grateful for your gesture. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), my friend.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member of the committee, and I thank the distinguished chairman of the committee, and I believe this may be Mr. HYDE's last time as chairman on the International Relations Committee, and I want to offer to him my sincerest appreciation for his service to America. I have had the honor and privilege of serving with him on the Judiciary Committee, and I thank him for his service.

I thank Mr. LANTOS for the cooperative spirit that has been evidenced by this conference report and certainly congratulate him on his ascending to be Chair in this next Congress of the International Relations Committee.

I listened to Lee Hamilton and Jim Baker as they began to try to bridge the gap and the schism in the Iraq war. One of the most, or more stranger, recommendations for many was the engagement of Syria and Iran, for many were aghast that we would talk to those who have been so reckless in their relationship with the United States. I believe in engagement, but is it not interesting that a democracy, the largest, a nation that has embedded itself in democracy since its birth, India, is a friend of the United States, and yet we are hesitant to engage India.

□ 2045

That is what this legislation represents. It is an engagement of a friend, working with them on the civilian use of nuclear power, addressing the concerns of enormous population and enormous poverty. Although the middle class of India is growing, this legislation will begin the engagement of a friend, and it will provide a fixture in the South Asian community that has both the capabilities to use nuclear materials in a friendly way and it will be an engagement of a friend with the United States.

I happen to be, of course, engaged with the people of Pakistan, and I am grateful that my amendment remained in this legislation that said that we continue to engage in the South Asian region with India and Pakistan. For even though there may be citing of the inequities or the issues as it relates to Pakistan, they too should be engaged with.

But what we are doing today is a start. And I am very grateful, Mr. LANTOS, that there are bridges and firewalls in this legislation. This legislation allows the vetting of India to begin. It allows the International Atomic Energy Agency to vet this program. And before the President goes forward, he must be convinced or she must be convinced that this is an appropriate step to make. If we can engage with Iran and Syria, though it is a difficult proposition for many, why not engage with a democracy and a friend who will benefit by the utilization of nuclear power? And so I would hope that we would look at this in a manner that says this is a good step for there is control over what is being utilized, unlike so many of those who have the access to nuclear power. I hope my colleagues will support this forward step and that they will see the checks and balances that are so necessary and continue to support the South Asia region that includes not only India but Pakistan.

Mr. MARKEY. Mr. Speaker, could you advise us how much time is remaining?

The SPEAKER pro tempore (Mr. HAYES). The gentleman has 6¼ minutes.

Mr. MARKEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. A nuclear sword of Damocles hangs over the world. Fear and ignorance have placed it there. Separation from our brothers and sisters holds it there. Separation of our heads from our hearts leaves it there.

We have a moral responsibility to our children, our grandchildren, and the entire world to create a world free of nuclear weapons. We have moral obligations to lead the way towards total nuclear disarmament and nuclear abolition, to wrest from the unsteady hand of crass casualty that nuclear sword of Damocles, and save this planet as a place where we work out our destiny.

Only we can dissipate the advancing mushroom clouds by saying ''no'' to this bill, ''no'' to proliferation, ''no'' to nuclear testing, ''no'' to nuclear weapons, ''no'' to nuclear war, ''no'' to the destruction of our planet.

The spirit of the Founders which inhabits this institution was a spirit that believed in unity. We must believe in human unity as firmly as we believe in the unity of the United States. We must believe in the imperative of human unity as we believe in the imperative of our next breath, the imperative of the first breath which issues from all new life to come. And we do this by pursuing international cooperation towards abandoning nuclear ambitions, not furthering them. For God's sake, stop this sleepwalk into the nuclear valley of shadows. Wake up and vote against this bill.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman from Massachusetts, and I join my colleagues in extending best wishes to Mr. HYDE on the new phase of his life.

If we really believe that nuclear proliferation and loose nukes are the greatest threat to world peace and security, as I do, as many of us do, then we should be holding on to every tool that we can find to prevent that threat. We should be working with India to strengthen the nuclear nonproliferation regime, not collaborating to destroy it.

There will be a time when the history of the spread of nuclear weapons of mass destruction is written, and we will look back and see when the last thread of the nuclear nonproliferation regime was shredded with this agreement.

We can talk at length about the details of this cooperative agreement, we can talk about what a good friend India is and how responsible they have been. We can talk about whether nuclear power is environmentally benign. But history will say, mark my words, with this agreement the world lost the last bit of an international tool to control the spread of nuclear weapons of mass destruction. The regime will have been killed. All we will have left is our ability to jaw-bone with our allies and to threaten our enemies. Countries will work out whatever deals they can, two by two. That is the future of the control of nuclear weapons of mass destruction. Countries will work out whatever deals they can, two by two. This is a very dangerous moment.

Mr. MARKEY. Could we get a final review here of where we are, Mr. Speaker?

The SPEAKER pro tempore (Mr. LAHOOD). There are 3½ minutes remaining.

Mr. MARKEY. I am the last speaker, so I reserve my time.

Mr. HYDE. Mr. Speaker, I believe I have the right to close the debate, so I am reserving my time. I have no further requests, so I will close.

Mr. LANTOS. Mr. Speaker, I yield myself the balance of our time.

I share my opponent's concern about the danger of nuclear proliferation. This legislation is the exact opposite of nuclear proliferation. It opens up for the first time in history all of India's current civilian nuclear plants and all future nuclear plants to international control. This is a control measure. It is a measure which will dramatically enhance the historic strategic cooperation between the democratic state of India and the United States of America. When historians will look at this historic vote we are about to take, they will view this as the most significant vote for democracy, peace, and control of nuclear weapons in the 21st century.

The Senate voted 85 to 15 for this legislation. It passed the House on a bipartisan basis, overwhelmingly. Tonight we have an opportunity to reaffirm that vote, and I urge all of my colleagues to vote for this legislation.

I yield back the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself the balance of my time.

This is an historically bad deal. President Bush has done a far better job in negotiating with the Congress to gain acceptance for this deal than he did with the Indians and getting them to accept the essentials of a real nuclear nonproliferation agreement.

In this agreement, as we send nuclear materials to India and free up so that the Russians and others can do so as well, here is what is not inspected: Six of India's plutonium-producing reactors will not be inspected. Their heavy-water production facets, not inspected. Plutonium separation facilities, not inspected. Uranium mines, not inspected. Uranium enrichment facilities, not inspected. In other words, their nuclear weapons program, not inspected.

This is the deal which we are cutting. This is the deal which the Congress is being asked tonight to bless. Do you know who would accept a deal like that? A.Q. Kahn would accept a deal like that for Pakistan. In fact, President Musharraf of Pakistan said to President Bush on his visit to Pakistan right after his visit to India, he said to President Bush, ''I too would like that deal that you are offering to India.'' President Bush said, ''We cannot give you that deal.''

What are we going to say when China offers that deal to Pakistan? Because they will, ladies and gentlemen. What will we say when all of those plutonium-producing reactors are not inspected? What will we say in 2 years when the Russians offer that same deal to the Iranians? What will we say to the Russians, to the Iranians?

If we don't set the standard for nuclear nonproliferation here in the United States in our negotiations with our allies, do not expect there to be higher standards in the negotiations between the Chinese and their allies or the Russians and their allies. Wherever we set the standard, that is going to be the global standard. And when we turn to these other countries and we tell them, no, your standards are not high enough, they are going to call us hypocrites.

Ladies and gentlemen, it is an historic night, it is an historic vote. People will look back at this as the moment when the nuclear nonproliferation regime of the world was destroyed. Vote ''no''. Vote ''no'' for history. Vote ''no'' for your conscience. When you look back, this will be one of those moments when you are glad that you voted ''no.''

Mr. HYDE. Mr. Speaker, the arguments that have been made so ably by the gentleman from Massachusetts have been anticipated and, in my judgment, well met by Mr. ACKERMAN, Mr. LANTOS, Mr. CROWLEY, Ms. ROS-LEHTINEN, Mr. ROYCE, and others, so I will not consume the few moments we have left repeating them; suffice to say this is an excellent step forward. It recognizes the reality, the nuclear reality of India, and is a very progressive step. It is the conference report of the House bill and the Senate bill, both of which passed overwhelmingly, and so it is truly bipartisan and is something that ought to pass.

I would like to take this final opportunity to express, inadequately, I am afraid, my respect and admiration for Mr. LANTOS. I congratulate the Democratic Party in selecting him to head the International Relations Committee, because foreign policy is going to be critical in the coming months and the coming years, and the Congress could not be in better hands in that area than it is with Mr. LANTOS as chairman of the committee. He brings a grasp of history that is unequaled because he has lived through so much of it, as well as studied with high scholarship. So it is an honor and privilege and experience and an adventure to have served with him for so long and learned so much about foreign policy at his hand.

□ 2100

I also want to say the staffs, both the Democratic and Republican staffs, are superior people.

In Camelot, King Arthur once said we are all of us tiny drops in a vast ocean, but some of them sparkle. Well, we have a lot of sparklers who are staffs of both Republicans and Democrats. Mr. Mooney, Tom Mooney, who is not only my friend and my chief of staff, but a brilliant administrator and student of foreign policy, has been especially helpful. I couldn't begin to express my appreciation to him.

Horace Mann, a great educator, once said a man should be ashamed to die until he has won some victory for humanity. I think every Member of Congress attains a victory for humanity every time Congress is in session and a vote is cast. Democracy is more than simply a set of rules as to how we elect people or how we litigate against each other; it ascribes individual worth to every human being, every member of the human family, and you in Congress are custodians of democracy. That is a very high calling.

To be in Washington as a representative of well over half a million people and to stand in the shadow of Jefferson and Lincoln and Washington is no small thing. I am proud to have had the honor and the privilege to serve with so many people who are so dedicated to the success and the flourishing of this great country.

I thank God for each one of you. My wish is that you all live to be a thousand years old and the last voice you hear will be mine.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding. I thank the Rules Committee for making consideration of the conference report to accompany H.R. 5682, the ''United States and India Nuclear Cooperation Promotion Act of 2006'' in order.

The United States' relationship with India and Pakistan is of paramount importance to our Nation's political and economic future. With the receding of the Cold War's global divisions and the new realities of globalization and trans-national terrorism, we have embarked on a new era of promise, possibility and uncertainty. This means the United States, the world's only superpower, bears an especially heavy responsibility to remain engaged in all regions of the world, with all nation-states. It is in the national interest for the United States to continue our policy of engagement, collaboration, and exchange which has served the Nation well in the past, particularly in the South Asia region.

It is important that we are considering this conference report today. I also want to thank my colleagues for adopting my amendment to H.R. 5682. My bipartisan amendment, which was endorsed and co-sponsored by Congressman BURTON, simply stated that the ''South Asia region is so important that the United States should continue its policy of engagement, collaboration, and exchanges with and between India and Pakistan.''

Pakistan has been a critical ally in the global war on terror. Pakistan has been a good friend to the people of the United States. Although H.R. 5682 signals no change in this country's relationship with Pakistan, it is not difficult to understand why it may give pause to some supporters of Pakistan. This is another reason why it is vital for the United States to continue to engage both Pakistan and India in ongoing political engagement, economic and technological collaborations, and personal exchanges, which will bring the United States closer to these two vitally important democracies in the South Asia region and will bring India and Pakistan closer to each other.

Peaceful nuclear cooperation with India can serve multiple U.S. foreign policy objectives so long as it is undertaken in a manner that minimizes potential risks to the nonproliferation regime. This will be best achieved by sustained and active engagement and cooperation between the India and the United States.

This landmark legislation serves both our strategic interests and our long-standing nonproliferation objectives. We should heed the sage words of the Iraq Study Group which recommends engaging rather than abandoning the possibilities dialogue offers. Our engagement and subsequent abandonment of Iran has resulted in their current pursuit of nuclear technology. We should not make the same mistake in South Asia. We need to remain engaged with India and Pakistan so that they remain our most important allies rather than our adversaries.

We are on the path to fostering an enduring relationship of mutually beneficial cooperation with India. The new realities of globalization and interdependence have brought a convergence of interests between the world's largest democracy and the world's most powerful one. I accompanied President Clinton in his groundbreaking trip to India marking a new phase in the bonds that bind our two countries. This conference report builds on this relationship by permitting an invigorated relationship in the field of nuclear cooperation, an area of critical importance given India's increasing energy demands.

This conference report incorporates a host of important nonproliferation measures that will anchor India in the international nonproliferation framework by including: safeguards between India and the International Atomic Energy Agency (IAEA); end use monitoring of

U.S. exports to India; and strengthening the Nuclear Suppliers Group, which are the group of countries that restrict nuclear proliferation throughout the world.

In addition, this conference report maintains Congressional oversight over the ongoing relationship of nuclear cooperation between U.S.-India. By implementing this legislation, we are furthering our critical nonproliferation objectives of advancing the IAEA's Additional Protocol by allowing the U.S. to become a party to this critical nonproliferation arrangement. We will enhance our nonproliferation policy and bolster our argument that the rest of the world should agree to this robust inspection regime.

In conclusion, I support the United States and India Nuclear Cooperation Promotion Act of 2006 with my Amendment, and this conference report. I urge my colleagues to do the same.

Mr. BARTON of Texas. Mr. Speaker, the conference report on H.R. 5682 includes language implementing the ''Additional Protocol'' to the U.S. nuclear safeguards agreement with the International Atomic Energy Agency (IAEA). The other Body gave its advice and consent for the Additional Protocol in 2004, but without enactment passage of this implementing legislation the Additional Protocol cannot enter into force.

Following the 1991 Gulf War, IAEA member states took steps to strengthen the nuclear safeguards system. This led to the development of a model ''Additional Protocol'' to supplement safeguards agreements and amend verification arrangements. It is designed to improve the ability of the IAEA to detect clandestine nuclear weapons programs in non-nuclear-weapons states by providing the IAEA with increased information and expanded inspection access. As of March of 2006, 110 countries had signed additional protocols, including all the nuclear weapons states, and 78 countries have them in force.

The U.S. is not obligated to accept safeguards under the Nuclear Non-Proliferation Treaty or the Additional Protocol. However, the U.S. already allows safeguards to be placed on certain facilities and materials under a voluntary agreement with the IAEA. This underscores our support for the Nonproliferation Treaty. The U.S. signing the Additional Protocol demonstrates that adherence will not commercially disadvantage non-nuclear-weapons states. Under both the voluntary agreement and the Additional Protocol, the U.S. maintains a national security exclusion and the right to manage IAEA access to facilities or information of direct national security significance.

Enactment of this implementing legislation provides the President with authority to permit IAEA inspectors, accompanied by U.S. representatives, access to certain facilities and to information on activities in the U.S. It also authorizes the Department of Commerce and the Nuclear Regulatory Commission to develop implementing regulations and conduct training and trial inspections. Finally, the legislation sets forth procedures for the inspections, similar to those for the Chemical Weapons Convention, and establishes civil and criminal penalties for the failure of U.S. entities to provide such information.

Mr. Speaker, this legislation will strengthen our Nation's ability to advance the cause of universal acceptance of increased safeguards and for that reason I urge both Bodies to adopt the conference report and send it on to the President for his signature.

Among the many tributes to our beloved colleague, HENRY HYDE, this bill and what it can do for global nuclear security is among the most worthy.

Mr. BERMAN. Mr. Speaker, I'd like to commend Chairman HYDE, Ranking Member LANTOS and their excellent staffs for their hard work on his legislation.

I'd like to offer special thanks for their efforts to ensure that the conference agreement retains a provision I suggested, which would halt nuclear cooperation if the Indian government exports sensitive technologies that violate the guidelines of the Nuclear Suppliers Group and Missile Technology Control Regime.

This conference agreement—and the underlying nuclear deal with India—are far from perfect. I believe the Administration could have and should have pressed for a much better deal.

But having said that, it's important to keep in mind that this agreement is a major improvement over the Administration's original legislative proposal.

That bill would have cut Congress out of the process and put the nuclear deal with India on auto-pilot.

Among other things, this agreement preserves the right of Congress to vote on the final nuclear cooperation agreement with India—which is still under negotiation—before it goes into effect.

While I wish this conference agreement included some stronger nonproliferation provisions—including an amendment on fissile material I offered on the floor—I intend to vote ''yes'' because I believe the U.S.-India relationship is extremely important, and rejecting the bill at this point would be a major setback.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in opposition to this legislation and I do so because I believe this bill undermines the nuclear Non-Proliferation Treaty (NPT), lacks sufficient safeguards to prevent India from continuing to produce nuclear weapons, and threatens the stability of the region.

Mr. Speaker, there is no question that India is an important relationship for the United States to cultivate. India's booming economy, efforts to combat terrorism, and commitment to democracy means they will be a key strategic partner of ours for years to come. However, I do not believe the proper way to cultivate this relationship is by lifting the moratorium on nuclear trade with India.

We all know that India is not a signatory to the NPT, and yet we stand on the verge of rewarding a country operating outside the parameters of this vitally important treaty. This agreement loosens export control laws and clears the way to provide nuclear assistance. It does so without requiring India to limit its fissile material production and without establishing restrictions on the number of weapons they plan to produce. Also under the framework, 8 of India's 22 nuclear plants would be protected from inspection. These 8 plants just so happen to be the military facilities that will remain out of the purview of international inspection.

The Administration maintains that nuclear proliferation and the fear that terrorist organizations could acquire nuclear weapons, is the greatest threat to our Nation's security. But Mr. Speaker, passing this legislation today to allow the President to waive portions of the Atomic Energy Act will shred the NPT, the most successful agreement we have to guard against proliferation. If India, a nation operating their nuclear programs outside the NPT, can strike an agreement of this magnitude, allowing them this much flexibility and holding them to so few hard and fast standards, why would any other nation not currently party to the NPT wish to join?

Passing this legislation today sends the wrong signal. It makes very real the threat of an arms race between Pakistan and India, an already extremely fragile relationship between two long-time adversaries. Mr. Speaker, passing this legislation today is an enormous step backwards for global nonproliferation efforts and I urge my colleagues to reject it.

Ms. WOOLSEY. Mr. Speaker, we are here to debate the India Nuclear Bill. However, there seems to be something missing from the debate today. It's like the elephant in the room no one wants to talk about. Whatever happened to the United States' own commitment to nonproliferation?

When the House considered its own version, I tried to submit an amendment that was quite simple. It stated that until the President has implemented and observed all of our NPT obligations and revised its own policies relating to them, no nuclear-related item may be transferred to India.

Unfortunately, my amendment was not included.

And yet another closed rule from the Republican leadership precludes any compromise today.

As many of my colleagues have stated, this is not about the deal or our alliances with India. This is about how the Bush administration has made a mockery of the NPT and encouraged other countries to go around the treaty. Basically, the bill says that if a country ignores the NPT, the U.S. will cut a deal with them.

Where is our commitment to nonproliferation?

If anything, with this treaty the U.S. will contribute to global nuclear proliferation.

In a world that is becoming more—not less—violent by the day, we must face the facts: Until the U.S. lives up to its own nonproliferation, obligations, we can't possibly ask others to do so.

Today, I will vote against this misguided bill and urge my colleagues to do the same.

Mr. HYDE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2007

Mr. LEWIS of California. Mr. Speaker, pursuant to House Resolution 1105, I

call up the joint resolution (H.J. Res. 102) making further continuing appropriations for the fiscal year 2007, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 102

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Continuing Appropriations Resolution, 2007 (Public Law 109–289, div. B) is further amended by striking the date specified in section 106(3) and inserting ''February 15, 2007''.

SEC. 2. Section 102(c) of the Continuing Appropriations Resolution, 2007 (Public Law 109–289, div. B) is amended by adding at the end the following new paragraph:

''(5) Activities under the 'Chemical Demilitarization Construction, Defense-Wide' account.''.

SEC. 3. Section 114(b) of the Continuing Appropriations Resolution, 2007 (Public Law 109–289, div. B) is amended by striking ''and December 1, 2006,'' and inserting ''December 1, 2006, January 1, 2007, February 1, 2007, and March 1, 2007,''.

SEC. 4. Section 125 of the Continuing Appropriations Resolution, 2007 (Public Law 109–289, div. B) is amended by striking ''Partner Purchases'' and inserting ''Partnership Purchases and International Space Station/Multi-User System Support''.

SEC. 5. Section 126 of the Continuing Appropriations Resolution, 2007 (Public Law 109–289, div. B) is amended by inserting ''(1)'' after ''except that'', and by inserting before the period at the end the following: '', and (2) amounts made available under section 101 for departments and agencies that have been apportioned pursuant to this section prior to November 17, 2006, may be at a rate for operations not exceeding the current rate''.

SEC. 6. Section 101 of the Continuing Appropriations Resolution, 2007 (Public Law 109–289, div. B) is amended by striking ''as of October 1, 2006'' each place it appears in subsections (b) through (e) and inserting ''as of November 15, 2006''.

SEC. 7. The Continuing Appropriations Resolution, 2007 (Public Law 109–289, div. B) is amended by adding after section 132 the following new sections:

''SEC. 133. (a) Section 44302(f)(1) of title 49, United States Code, shall be applied by substituting the date specified in section 106(3) of this division for 'August 31, 2006, and may extend through December 31, 2006'.

''(b) Section 44303(b) of title 49, United States Code, shall be applied by substituting the date specified in section 106(3) of this division for 'December 31, 2006'.

''SEC. 134. The authority provided by H. Res. 135 (109th Congress), as adopted on March 14, 2005, shall continue in effect through the date specified in section 106(3) of this division.

''SEC. 135. The rule referenced in section 126 of Public Law 109–54 shall continue in effect for the 2006–2007 winter use season through the date specified in section 106(3) of this division.

''SEC. 136. In addition to any other transfer authority of the Department of Veterans Affairs, up to $683,970,000 of the funds made available to the Department by this division may be transferred to 'Veterans Health Administration—Medical Services' during the period covered by this division.''.

''SEC. 137. Notwithstanding any other provision of this division and notwithstanding section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31), the percentage adjustment scheduled to take effect under such section for 2007 shall not take effect until February 16, 2007.''.

The SPEAKER pro tempore (Mr. HAYES). Pursuant to House Resolution 1105, the gentleman from California (Mr. LEWIS) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I bring before the House a continuing resolution for fiscal year 2007. This CR, which is clean, runs through February 15, 2007. Only necessary technical anomalies are included.

This CR will fund the agencies in the nine remaining bills awaiting conference at the lower rate the House passed, Senate passed, or current fiscal year 2006 level.

We have been working closely with both leadership and Chairman COCHRAN on this CR to ensure that all essential functions of the government continue without interruption.

With regard to veterans medical care funding, the VA presently has approximately $600 million left over from fiscal year 2006. However, should the VA need additional resources between now and February 15, we are providing the VA and the Secretary with the authority to transfer funds from within other Veterans Affairs accounts.

When we passed this CR the last time, my hope was it would provide a strong motivation for Congress to complete its work in regular order. I was hopeful that our colleagues in the Senate would complete their work on the floor so we could move the remaining individual conference reports before the end of this legislative session.

I want the body to know that the Appropriations Committee has been strongly committed to bringing to this floor individual conference reports. That has not occurred. Each and every individual bill should have come to the floor and gone to conference with the Senate and been sent to the President. From the beginning of our process, Chairman COCHRAN and I pledged to pass funding bills in regular order. We also stated publicly we would not, I repeat, not, support an omnibus bill in any form.

The House Appropriations Committee passed each of the 11 subcommittee bills out of the full committee by June 30, and with the exception of the Labor-HHS bill, all of the bills off the House floor by the July 4 break.

Similarly, the Senate passed each of its bill out of the full committee to ensure timely consideration on the Senate floor.

The Appropriations Committee has remained committed to moving these bills individually and within the framework of the budget resolution.

My colleagues, the Appropriations Committee has kept its word. The breakdown of regular order this cycle, indeed the failure to get our bills done, should be fairly placed at the feet of the departing Senate majority leader who failed to schedule floor time for the consideration of appropriations bills.

Senator COCHRAN and I were convinced that moving bills individually was the only way for us to get back to regular order. Lacking regular order, there is a tendency for the remaining bills to become Christmas trees and for spending to grow out of control, having individual Members do with a Christmas tree what they might. In our view, that is simply not acceptable.

Let me make one personal comment aside: my appropriations colleague, Senator THAD COCHRAN of Mississippi, could not have been a better partner as we attempted to bringing regular order to the appropriations process. The Senator of Mississippi was poorly served by his own leadership.

I would prefer to return to Congress in January as chairman of the Appropriations Committee but look forward to working with the new chairman of the committee, the gentleman from Wisconsin (Mr. OBEY).

Until then, I urge my colleagues to support this CR and I would like to close my remarks by wishing all of my friends a Merry Christmas and a happy new year.

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

Mr. OBEY. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, this resolution tonight is a blatant admission of abject failure by the most useless Congress in modern times. That we do not have a budget before us is certainly not the fault of the gentleman from California, the distinguished chairman of the committee.

This House passed every single appropriation bill except the Labor-Health appropriation bill, before the July 4 recess.

The problem is that the budget resolution which defined what would be contained in those appropriation bills was so wildly unrealistic that moderate Republicans in this House rebelled and would not, for instance, agree to support the budget resolution until a promise was made that $3 billion in additional funding would be found in order to correct some of the shortfalls in education and health and worker protection programs.

In addition, as the gentleman from California has said, when these bills went over to the other end of the Capitol, the United States Senate, they ran into the decision of the Republican majority leader to avoid having the Senate take votes on any controversial issues in the domestic portion of the budget.

As a result, we are here tonight with not a single dollar having been appropriated to any government program that has anything whatsoever to do with the domestic operations of this government. That is a disgraceful performance. And so we are left with the

choice of passing this continuing resolution or having the government shut down.

I want to contrast that with the condition that we left the government in when the Democrats lost the majority in 1994. In 1994 I was chairman of the Appropriations Committee and when we lost the election, we had still managed to complete every single appropriation before the end of the fiscal year. We did that because we had reached a bipartisan agreement between the then-majority Democrats and the then-minority Republicans on the allocation of appropriated dollars to each of the subcommittees. And it was that bipartisan cooperation which allowed us to pass every single bill in the allotted time.

Now we are here with Governors unable to plan, State legislatures unable to plan, mayors being unable to plan, families being unable to plan, because they do not know what the final disposition of the entire domestic budget is going to be.

And so now the Congress is going to leave town and when the Democrats assume control next January, we are going to have to pass 2 years of appropriation bills in 1 year. We will do our best to do that; but I must say to my majority party friends that I think that by this act of abdication, they have given up any right to criticize in any way whatever devices we have to use in order to dispose of the unfinished business of this Congress come next January.

□ 2115

We will do our best, but we have very few decent options. And I find it ironic, as the gentleman from California at least obliquely referenced, I find it ironic that the Senate majority leader found time to publicly diagnose Terri Schiavo's case from the Senate floor. I find it ironic that the majority leader in the Senate found the time to insert 40 pages of language into the defense bill last year indemnifying the entire pharmaceutical industry. He insisted on having that language inserted, although it had never been cleared by anyone in the conference and the conference had already finished its work before that was inserted. So he had plenty of time to do that, but he didn't manage to find the time to schedule the appropriation bills on the Senate floor, and as a result, we are here with this mess tonight.

The most fundamental obligation of the Congress under the Constitution of the United States is to decide what activities the government needs to engage in and to provide the financing for those activities. That is the purpose of appropriation bills. And when the Congress fails to pass that legislation, it fails in its principal obligation to the taxpayers.

So I simply want to say that Senator BYRD and I expect to have an announcement next week on how we will attempt to deal with the leftovers from this congressional session.

But I would simply ask one thing of my friends on the majority side of the aisle: Please spare me. Don't have the gall to go to the American public 2 years from now and ask once again to be put in charge of handling the Nation's budget when the decision has been made at the highest levels of the Republican Party tonight to walk away from our collective responsibility to pass this legislation before we adjourn.

The President is entitled to have his new budget considered anew. He is entitled to have the decks wiped clean so that he can start fresh; and with all due respect, I think we are also entitled to be able to start fresh so that come January, we can consider the President's new budget and not have to turn to last year's problems. We are not going to be given that opportunity, and the President isn't going to be given that opportunity. That is a shame. But at this point we have no choice but to support this resolution.

I do want to say one thing. Speaking of unfinished business, I am pleased to see that this resolution at this point does contain the suspension of the congressional COLA until such time as the minimum wage is increased. I know the distinguished minority leader, Ms. PELOSI, had asked that that be done. This resolution does not complete the linkage, but it does suspend that COLA until February 17, I believe the date is, which gives us an opportunity to pass the minimum wage bill in January before it goes into effect. I hope we meet that obligation so that we can see to it that as Congress receives its COLA, the lowest-paid workers in this country also get a benefit.

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

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

Mr. OBEY. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman from Wisconsin, who has done such an extraordinary job in trying to bring fairness and coherence in this process. Unfortunately, he will soon be in the business to do so, although carrying the burden that he has to get out from under.

I first want to join him in saying that I am glad to see we finally recognize the incongruity of pay raises for ourselves and no minimum wage increase. Many of us tried to argue that on logical grounds and on moral grounds. It is interesting to see that the loss of 30 seats apparently succeeded, where morality and logic was less persuasive. But I will take it any way I can get it.

Then I also want to congratulate my colleagues on the other side for their consistency because they end this Congress governing in the same way in which they carried on for 2 years: frankly, incompetently, without respect for democratic procedures, and with a willingness to inflict harm on the most vulnerable members of our society.

Earlier today we voted on packages of things that in a Democratic legislature, for example, Iraq, we would not have had all lumped together. Members who opposed some and supported others would have had a chance to say so. Today we got have one continuing resolution, as the gentleman from Wisconsin said, we have no choice but to vote ''yes'' so that the government does not stop acting.

But let us take a look at what they have done. I have a particular responsibility in my committee for housing. The one housing program that the Republican Party has not undone is the section 8 program. But we have today a resolution that substantially and deliberately provides fewer dollars for the section 8 program than the housing authorities of this country need to meet their existing commitments. This is a budget that goes into, what, January of this current fiscal year. Months will have gone by in this current fiscal year, and you are funding section 8 at significantly less than your president asked for for this fiscal year, significantly less than is needed to meet commitments. And in January housing authorities will be faced with dilemmas. They may be told by HUD that they cannot continue to service what they are now doing.

There is section 8 project-based assistance you put forward in a bill here which is $636 million below what your President asked for just to meet existing commitments. And housing authorities that have jurisdiction over projects which house elderly people and disabled people may be in turmoil and there will be uncertainty. We will probably be able come to their rescue; but why should we have to? Why should we create, Mr. Speaker, you and your colleagues, a situation in which this difficulty exists and we have to come to the rescue? Why such little regard for the poorest people in this country, the most vulnerable? Why are they going to be treated this way, as pawns, so you can avoid having to make difficult decisions, Mr. Speaker?

So I just want to echo what the gentleman from Wisconsin said about the inappropriateness of this. I do want to point out in particular what happens here. And let me say to those Members on the other side who supported this rule and supported this approach, I will predict now, Mr. Speaker, that many of them will be hearing from the housing authorities and from section 8 residents in January complaining of the uncertainty, complaining of the difficulty. You will have no justification in claiming that it wasn't your fault, those of you who voted to send this procedure. So please be ready to explain to people in January why you so callously, Mr. Speaker, disregarded once again the interests of the poorest people in the country.

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

Mr. OBEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, in closing, I just want to congratulate the gentleman from California for doing his dead-level best to fulfill his duties in getting all of these bills through, even though he received precious little cooperation from many other key players on Capitol Hill. I would simply point out that it is not his fault that the budget resolution which was adopted by the majority party was so highly unrealistic that, in the end, the majority party in this House could not convince their Senate brethren to vote for the same legislation that was required by that budget resolution. And I want to simply say that I think the Record demonstrates that both of us on both sides of the aisle did everything that we could procedurally to get these bills through the House. We reached time agreements on amendment after amendment, on bill after bill. Sometimes time agreements were so tight that Members were significantly angered by how little time they had to debate these bills. But even though we often opposed the content of the bills, we worked together to move them because we recognized that we had a responsibility to make decisions and to finish the job, whether we won or lost. Unfortunately, the gentleman did not have enough allies on his side of the aisle, and so we are stuck with this leftover mess. We will do our best in January and February to clean it up, but it is not going to be a very pleasant couple of months.

Mr. OBERSTAR. Mr. Speaker, when Congress passed SAFETEA–LU—the legislation that reauthorizes the Federal surface transportation programs—in 2005, it recognized the need to significantly increase Federal investment for highway, highway safety, and transit programs. In fact, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, SAFETEA–LU, increased the overall investment in surface transportation programs by more than 40 percent, with a significant part of that increase guaranteed to take effect in fiscal year 2007.

Earlier this year, the House passed H.R. 5576, the Transportation, Treasury, and Housing and Urban Development, TTHUD, appropriations bill, which meets SAFETEA–LU's funding guarantees. It provides an increase of $3.4 billion for the Federal-aid highway programs and an additional $474 million for the transit programs over the fiscal year 2006 SAFETEA–LU funding levels.

It is now more than 2 months since the start of fiscal year 2007, and the Republican-led Congress has not enacted the TTHUD appropriations bill. Instead, H.J. Res. 102 provides funding for the highway, highway safety, and transit programs through February 15, 2007. The resolution funds these programs at the fiscal year 2006 level. Thus, all of the highway and transit investment increases guaranteed by SAFETEA–LU are put on hold. If this approach is continued and the continuing resolution is extended through fiscal year 2007, SAFETEA–LU's guaranteed highway funding will be cut by $3.4 billion and its transit investment slashed by $474 million.

Under a long-term continuing resolution, the National Highway Traffic Safety Administration, NHTSA, and the Federal Motor Carrier Safety Administration, FMCSA, safety programs will be funded at substantially lower levels than guaranteed in SAFETEA–LU. NHTSA stands to lose up to $21.7 million. At a time when more than 43,000 people are dying in roadway crashes each year, we simply cannot afford to shortchange an agency tasked with making our roadways safer. Likewise, FMCSA could lose almost $27 million that would be spent on motor carrier safety programs and grants. It is essential that we properly fund these critical programs.

The highway, highway safety, and transit programs differ from most other Federal programs in that they are supported by user fees. Motorists who drive on our highways pay the fees when they pump gas. They willingly pay the fees because they rely on a commitment by the Federal Government to use the money so collected to finance our highway and transit programs. In other words, users have already paid for the investments authorized in SAFETEA–LU and funded in the House-passed TTHUD appropriations bill. However, the Republican-led Congress's failure to enact this legislation in a timely manner will shortchange funding for critical transportation projects.

Transportation projects are usually high-cost undertakings that take several years to complete. Certainty in funding—especially Federal funding—is critical to their success. Relying on short-term, stopgap measures, such as continuing resolutions, does not provide the certainty that State departments of transportation need to plan for their construction projects in the upcoming season. And for northern-tier States, where construction seasons are short, delays in providing adequate Federal funding can severely disrupt their process for contract bidding, directly affecting next year's construction season.

Continuing resolutions also provide great uncertainty for transit programs. The Federal Transit Administration, FTA, has delayed the release of transit formula apportionments and other new grants until a final TTHUD appropriations act is enacted. The continuing resolution, coupled with FTA's policy, is resulting in many transit agencies being unable to advance badly needed transit projects.

According to the Federal Reserve, housing construction is currently very weak throughout the country. Congress should do everything within its power to ensure that transportation infrastructure investment is not disrupted through congressional inaction, placing an additional burden on this sector of the economy. Hundreds of our small businesses and thousands of our workers could be put at risk as a result. I urge Congress to fulfill its responsibilities in passing appropriations acts and to honor the funding guarantees established in SAFETEA–LU.

Mr. OBEY. Mr. Speaker, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HAYES). All time for debate has expired.

The joint resolution is considered read for amendment, and pursuant to House Resolution 1105, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LAHOOD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR PRINTING OF REVISED RULES AND MANUAL OF HOUSE OF REPRESENTATIVES

Mr. GUTKNECHT. Mr. Speaker, I offer a resolution (H. Res. 1107) providing for the printing of a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Tenth Congress, and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1107

Resolved, That a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Tenth Congress be printed as a House document, and that three thousand additional copies shall be printed and bound for the use of the House of Representatives, of which nine hundred copies shall be bound in leather with thumb index and delivered as may be directed by the Parliamentarian of the House.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR SINE DIE ADJOURNMENT OF THE TWO HOUSES

Mr. GUTKNECHT. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 503) and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the concurrent resolution.

The Clerk read as follows:

H. CON. RES. 503

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Friday, December 8, 2006, or Saturday, December 9, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 2 of this concurrent resolution; and that when the Senate adjourns on any day from Friday, December 8, 2006, through Wednesday, December 13, 2006, on a motion offered pursuant to this concurrent resolution by its

Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will now resume on questions previously postponed.

Votes will be taken in the following order:

House Joint Resolution 102, by the yeas and nays.

Conference report on H.R. 5682, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2007

The SPEAKER pro tempore. The pending business is the vote on passage of House Joint Resolution 102, on which the yeas and nays are ordered.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The vote was taken by electronic device, and there were—yeas 370, nays 20, not voting 43, as follows:

[Roll No. 540]

YEAS—370

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris Rodgers
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sekula Gibbs
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—20

Burgess
Capuano
Castle
Doolittle
Frank (MA)
Gutierrez
King (IA)
Kucinich
LaHood
LaTourette
Lee
McGovern
Meehan
Moran (KS)
Rogers (AL)
Sabo
Schakowsky
Tiahrt
Upton
Watt

NOT VOTING—43

Baker
Blumenauer
Brown (OH)
Brown-Waite, Ginny
Burton (IN)
Case
Cubin
Davis, Jo Ann
Deal (GA)
English (PA)
Evans
Fattah
Ford
Gallegly
Gibbons
Gillmor
Inglis (SC)
Jefferson
Johnson (IL)
Jones (NC)
Kolbe
McCrery
Meek (FL)
Miller, Gary
Norwood
Nussle
Otter
Paul
Peterson (PA)
Putnam
Reynolds
Ryan (OH)
Sanchez, Loretta
Sensenbrenner
Simpson
Smith (TX)
Strickland
Sweeney
Taylor (NC)
Thompson (CA)
Watson
Waxman
Wexler

□ 2154

Ms. LEE, Mr. UPTON and Mr. MEEHAN changed their vote from ''yea'' to ''nay.''

Mr. NEAL of Massachusetts, Ms. McKINNEY, Ms. VELÁZQUEZ, and Ms. SLAUGHTER changed their vote from ''nay'' to ''yea.''

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PUTNAM. Mr. Speaker, on rollcall No. 540, I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. THOMPSON of California. Mr. Speaker, on rollcall No. 540, I was speaking with Speaker-elect PELOSI. Had I been present, I would have voted "yea."

HENRY J. HYDE UNITED STATES-INDIA PEACEFUL ATOMIC ENERGY COOPERATION ACT OF 2006

The SPEAKER pro tempore (Mr. CAMP of Michigan). The pending business is the question of adoption of the conference report on the bill, H.R. 5682, on which the yeas and nays are ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

The vote was taken by electronic device, and there were—yeas 330, nays 59, not voting 44, as follows:

[Roll No. 541]

YEAS—330

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Beauprez
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Castle
Chabot

Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
DeGette
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (FL)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
LaHood
Lantos
Larsen (WA)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McGovern
McHenry
McHugh
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Neal (MA)
Neugebauer
Northup
Nunes
Ortiz
Oxley
Pallone
Pearce
Pelosi
Pence
Peterson (MN)
Pickering
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Saxton
Schakowsky
Schiff
Schmidt
Schwarz (MI)
Scott (GA)
Scott (VA)
Sekula Gibbs
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Sires
Skelton
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—59

Abercrombie
Baldwin
Becerra
Burgess
Capps
Conyers
Costello
Cummings
DeFazio
DeLauro
Dingell
Doggett
Farr
Goode
Grijalva
Harman
Hinchey
Holt
Hooley
Kaptur
Kilpatrick (MI)
Kucinich
Langevin
Larson (CT)
Leach
Lee
Lewis (GA)
Markey
Matsui
McDermott
McNulty
Miller, George
Moore (WI)
Nadler
Napolitano
Oberstar
Obey
Olver
Owens
Pascrell
Pastor
Payne
Pitts
Rothman
Sanders
Schwartz (PA)
Serrano
Slaughter
Smith (NJ)
Solis
Stark
Tauscher
Taylor (MS)
Thompson (CA)
Udall (NM)
Velázquez
Waters
Woolsey
Wu

NOT VOTING—44

Baker
Bass
Blumenauer
Brown (OH)
Burton (IN)
Case
Cubin
Davis, Jo Ann
Deal (GA)
English (PA)
Evans
Fattah
Ford
Gallegly
Gibbons
Gillmor
Hastings (WA)
Jefferson
Johnson (IL)
Johnson, Sam
Jones (NC)
Kolbe
McCrery
McKinney
McMorris Rodgers
Miller, Gary
Murtha
Norwood
Nussle
Osborne
Otter
Paul
Peterson (PA)
Petri
Reynolds
Sanchez, Loretta
Sensenbrenner
Simpson
Smith (TX)
Strickland
Sweeney
Taylor (NC)
Watson
Waxman

□ 2205

Mr. TAYLOR of Mississippi changed his vote from ''yea'' to ''nay.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CORRECTING ENROLLMENT OF H.R. 5682, HENRY J. HYDE UNITED STATES-INDIA PEACEFUL ATOMIC ENERGY COOPERATION ACT OF 2006

Mr. ROYCE. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 502) to correct the enrollment of the bill H.R. 5682, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. CAMP of Michigan). Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 502

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill, H.R. 5682, the Clerk of the House of Representatives shall make the following correction in section 110(10): Strike ''point'' and insert ''pound''.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

POSTAL ACCOUNTABILITY AND ENHANCEMENT ACT

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6407) to reform the postal laws of the United States, as amended.

The Clerk read as follows:

H.R. 6407

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 ''Postal Accountability and Enhancement Act''.

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

Sec. 1. Short title; table of contents.

TITLE I—DEFINITIONS; POSTAL SERVICES

Sec. 101. Definitions.
Sec. 102. Postal Services.

TITLE II—MODERN RATE REGULATION

Sec. 201. Provisions relating to market-dominant products.
Sec. 202. Provisions relating to competitive products.
Sec. 203. Provisions relating to experimental and new products.
Sec. 204. Reporting requirements and related provisions.
Sec. 205. Complaints; appellate review and enforcement.
Sec. 206. Clerical amendment.

TITLE III—MODERN SERVICE STANDARDS

Sec. 301. Establishment of modern service standards.
Sec. 302. Postal service plan.

TITLE IV—PROVISIONS RELATING TO FAIR COMPETITION

Sec. 401. Postal Service Competitive Products Fund.
Sec. 402. Assumed Federal income tax on competitive products income.
Sec. 403. Unfair competition prohibited.
Sec. 404. Suits by and against the Postal Service.
Sec. 405. International postal arrangements.

TITLE V—GENERAL PROVISIONS

Sec. 501. Qualification and term requirements for Governors.
Sec. 502. Obligations.
Sec. 503. Private carriage of letters.
Sec. 504. Rulemaking authority.
Sec. 505. Noninterference with collective bargaining agreements.
Sec. 506. Bonus authority.

TITLE VI—ENHANCED REGULATORY COMMISSION

Sec. 601. Reorganization and modification of certain provisions relating to the Postal Regulatory Commission.
Sec. 602. Authority for Postal Regulatory Commission to issue subpoenas.
Sec. 603. Authorization of appropriations from the Postal Service Fund.
Sec. 604. Redesignation of the Postal Rate Commission.
Sec. 605. Inspector General of the Postal Regulatory Commission.

TITLE VII—EVALUATIONS

Sec. 701. Assessments of ratemaking, classification, and other provisions.
Sec. 702. Report on universal postal service and the postal monopoly.
Sec. 703. Study on equal application of laws to competitive products.
Sec. 704. Report on postal workplace safety and workplace-related injuries.
Sec. 705. Study on recycled paper.
Sec. 706. Greater diversity in Postal Service executive and administrative schedule management positions.
Sec. 707. Contracts with women, minorities, and small businesses.
Sec. 708. Rates for periodicals.
Sec. 709. Assessment of certain rate deficiencies.

Sec. 710. Assessment of future business model of the Postal Service.
Sec. 711. Provisions relating to cooperative mailings.
Sec. 712. Definition.
TITLE VIII—POSTAL SERVICE RETIREMENT AND HEALTH BENEFITS FUNDING
Sec. 801. Short title.
Sec. 802. Civil Service Retirement System.
Sec. 803. Health insurance.
Sec. 804. Repeal of disposition of savings provision.
Sec. 805. Effective dates.
TITLE IX—COMPENSATION FOR WORK INJURIES
Sec. 901. Temporary disability; continuation of pay.
TITLE X—MISCELLANEOUS
Sec. 1001. Employment of postal police officers.
Sec. 1002. Obsolete provisions.
Sec. 1003. Reduced rates.
Sec. 1004. Sense of Congress regarding Postal Service purchasing reform.
Sec. 1005. Contracts for transportation of mail by air.
Sec. 1006. Date of postmark to be treated as date of appeal in connection with the closing or consolidation of post offices.
Sec. 1007. Provisions relating to benefits under chapter 81 of title 5, United States Code, for officers and employees of the former Post Office Department.
Sec. 1008. Hazardous matter.
Sec. 1009. ZIP codes and retail hours.
Sec. 1010. Technical and conforming amendments.

TITLE I—DEFINITIONS; POSTAL SERVICES

SEC. 101. DEFINITIONS.

Section 102 of title 39, United States Code, is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting a semicolon, and by adding at the end the following:

''(5) 'postal service' refers to the delivery of letters, printed matter, or mailable packages, including acceptance, collection, sorting, transportation, or other functions ancillary thereto;

''(6) 'product' means a postal service with a distinct cost or market characteristic for which a rate or rates are, or may reasonably be, applied;

''(7) 'rates', as used with respect to products, includes fees for postal services;

''(8) 'market-dominant product' or 'product in the market-dominant category of mail' means a product subject to subchapter I of chapter 36; and

''(9) 'competitive product' or 'product in the competitive category of mail' means a product subject to subchapter II of chapter 36; and

''(10) 'year', as used in chapter 36 (other than subchapters I and VI thereof), means a fiscal year.''.

SEC. 102. POSTAL SERVICES.

(a) IN GENERAL.—Section 404 of title 39, United States Code, is amended—

(1) in subsection (a), by striking paragraph (6) and by redesignating paragraphs (7) through (9) as paragraphs (6) through (8), respectively; and

(2) by adding at the end the following:

''(c)(1) In this subsection, the term ''nonpostal service'' means any service that is not a postal service defined under section 102(5).

''(2) Nothing in this section shall be considered to permit or require that the Postal Service provide any nonpostal service, except that the Postal Service may provide nonpostal services which were offered as of January 1, 2006, as provided under this subsection.

''(3) Not later than 2 years after the date of enactment of the Postal Accountability and Enhancement Act, the Postal Regulatory Commission shall review each nonpostal service offered by the Postal Service on the date of enactment of that Act and determine whether that nonpostal service shall continue, taking into account—

''(A) the public need for the service; and

''(B) the ability of the private sector to meet the public need for the service.

''(4) Any nonpostal service not determined to be continued by the Postal Regulatory Commission under paragraph (3) shall terminate.

''(5) If the Postal Regulatory Commission authorizes the Postal Service to continue a nonpostal service under this subsection, the Postal Regulatory Commission shall designate whether the service shall be regulated under this title as a market dominant product, a competitive product, or an experimental product.''.

(b) CONFORMING AMENDMENTS.—Section 1402(b)(1)(B)(ii) of the Victims of Crime Act of 1984 (98 Stat. 2170; 42 U.S.C. 10601(b)(1)(B)(ii)) is amended by striking ''404(a)(8)'' and inserting ''404(a)(7)''.

TITLE II—MODERN RATE REGULATION

SEC. 201. PROVISIONS RELATING TO MARKET-DOMINANT PRODUCTS.

(a) IN GENERAL.—Chapter 36 of title 39, United States Code, is amended by striking sections 3621 and 3622 and inserting the following:

''§ 3621. Applicability; definitions

''(a) APPLICABILITY.—This subchapter shall apply with respect to—

''(1) first-class mail letters and sealed parcels;

''(2) first-class mail cards;

''(3) periodicals;

''(4) standard mail;

''(5) single-piece parcel post;

''(6) media mail;

''(7) bound printed matter;

''(8) library mail;

''(9) special services; and

''(10) single-piece international mail,

subject to any changes the Postal Regulatory Commission may make under section 3642.

''(b) RULE OF CONSTRUCTION.—Mail matter referred to in subsection (a) shall, for purposes of this subchapter, be considered to have the meaning given to such mail matter under the mail classification schedule.

''§ 3622. Modern rate regulation

''(a) AUTHORITY GENERALLY.—The Postal Regulatory Commission shall, within 18 months after the date of enactment of this section, by regulation establish (and may from time to time thereafter by regulation revise) a modern system for regulating rates and classes for market-dominant products.

''(b) OBJECTIVES.—Such system shall be designed to achieve the following objectives, each of which shall be applied in conjunction with the others:

''(1) To maximize incentives to reduce costs and increase efficiency.

''(2) To create predictability and stability in rates.

''(3) To maintain high quality service standards established under section 3691.

''(4) To allow the Postal Service pricing flexibility.

''(5) To assure adequate revenues, including retained earnings, to maintain financial stability.

''(6) To reduce the administrative burden and increase the transparency of the ratemaking process.

''(7) To enhance mail security and deter terrorism.

''(8) To establish and maintain a just and reasonable schedule for rates and classifications, however the objective under this paragraph shall not be construed to prohibit the Postal Service from making changes of unequal magnitude within, between, or among classes of mail.

''(9) To allocate the total institutional costs of the Postal Service appropriately between market-dominant and competitive products.

''(c) FACTORS.—In establishing or revising such system, the Postal Regulatory Commission shall take into account—

''(1) the value of the mail service actually provided each class or type of mail service to both the sender and the recipient, including but not limited to the collection, mode of transportation, and priority of delivery;

''(2) the requirement that each class of mail or type of mail service bear the direct and indirect postal costs attributable to each class or type of mail service through reliably identified causal relationships plus that portion of all other costs of the Postal Service reasonably assignable to such class or type;

''(3) the effect of rate increases upon the general public, business mail users, and enterprises in the private sector of the economy engaged in the delivery of mail matter other than letters;

''(4) the available alternative means of sending and receiving letters and other mail matter at reasonable costs;

''(5) the degree of preparation of mail for delivery into the postal system performed by the mailer and its effect upon reducing costs to the Postal Service;

''(6) simplicity of structure for the entire schedule and simple, identifiable relationships between the rates or fees charged the various classes of mail for postal services;

''(7) the importance of pricing flexibility to encourage increased mail volume and operational efficiency;

''(8) the relative value to the people of the kinds of mail matter entered into the postal system and the desirability and justification for special classifications and services of mail;

''(9) the importance of providing classifications with extremely high degrees of reliability and speed of delivery and of providing those that do not require high degrees of reliability and speed of delivery;

''(10) the desirability of special classifications for both postal users and the Postal Service in accordance with the policies of this title, including agreements between the Postal Service and postal users, when available on public and reasonable terms to similarly situated mailers, that—

''(A) either—

''(i) improve the net financial position of the Postal Service through reducing Postal Service costs or increasing the overall contribution to the institutional costs of the Postal Service; or

''(ii) enhance the performance of mail preparation, processing, transportation, or other functions; and

''(B) do not cause unreasonable harm to the marketplace.

''(11) the educational, cultural, scientific, and informational value to the recipient of mail matter;

''(12) the need for the Postal Service to increase its efficiency and reduce its costs, including infrastructure costs, to help maintain high quality, affordable postal services;

(13) the value to the Postal Service and postal users of promoting intelligent mail and of secure, sender-identified mail; and

''(14) the policies of this title as well as such other factors as the Commission determines appropriate.

''(d) REQUIREMENTS.—

''(1) IN GENERAL.—The system for regulating rates and classes for market-dominant products shall—

''(A) include an annual limitation on the percentage changes in rates to be set by the Postal Regulatory Commission that will be equal to the change in the Consumer Price Index for All Urban Consumers unadjusted for seasonal variation over the most recent available 12-month period preceding the date the Postal Service files notice of its intention to increase rates;

''(B) establish a schedule whereby rates, when necessary and appropriate, would change at regular intervals by predictable amounts;

''(C) not later than 45 days before the implementation of any adjustment in rates under this section, including adjustments made under subsection (c)(10)—

''(i) require the Postal Service to provide public notice of the adjustment;

''(ii) provide an opportunity for review by the Postal Regulatory Commission;

''(iii) provide for the Postal Regulatory Commission to notify the Postal Service of any noncompliance of the adjustment with the limitation under subparagraph (A); and

''(iv) require the Postal Service to respond to the notice provided under clause (iii) and describe the actions to be taken to comply with the limitation under subparagraph (A);

''(D) establish procedures whereby the Postal Service may adjust rates not in excess of the annual limitations under subparagraph (A); and

''(E) notwithstanding any limitation set under subparagraphs (A) and (C), and provided there is not sufficient unused rate authority under paragraph (2)(C), establish procedures whereby rates may be adjusted on an expedited basis due to either extraordinary or exceptional circumstances, provided that the Commission determines, after notice and opportunity for a public hearing and comment, and within 90 days after any request by the Postal Service, that such adjustment is reasonable and equitable and necessary to enable the Postal Service, under best practices of honest, efficient, and economical management, to maintain and continue the development of postal services of the kind and quality adapted to the needs of the United States.

''(2) LIMITATIONS.—

''(A) CLASSES OF MAIL.—Except as provided under subparagraph (C), the annual limitations under paragraph (1)(A) shall apply to a class of mail, as defined in the Domestic Mail Classification Schedule as in effect on the date of enactment of the Postal Accountability and Enhancement Act.

''(B) ROUNDING OF RATES AND FEES.—Nothing in this subsection shall preclude the Postal Service from rounding rates and fees to the nearest whole integer, if the effect of such rounding does not cause the overall rate increase for any class to exceed the Consumer Price Index for All Urban Consumers.

''(C) USE OF UNUSED RATE AUTHORITY.—

''(i) DEFINITION.—In this subparagraph, the term 'unused rate adjustment authority' means the difference between—

''(I) the maximum amount of a rate adjustment that the Postal Service is authorized to make in any year subject to the annual limitation under paragraph (1); and

''(II) the amount of the rate adjustment the Postal Service actually makes in that year.

''(ii) AUTHORITY.—Subject to clause (iii), the Postal Service may use any unused rate adjustment authority for any of the 5 years following the year such authority occurred.

''(iii) LIMITATIONS.—In exercising the authority under clause (ii) in any year, the Postal Service—

''(I) may use unused rate adjustment authority from more than 1 year;

''(II) may use any part of the unused rate adjustment authority from any year;

''(III) shall use the unused rate adjustment authority from the earliest year such authority first occurred and then each following year; and

''(IV) for any class or service, may not exceed the annual limitation under paragraph (1) by more than 2 percentage points.

''(3) REVIEW.—Ten years after the date of enactment of the Postal Accountability and Enhancement Act and as appropriate thereafter, the Commission shall review the system for regulating rates and classes for market-dominant products established under this section to determine if the system is achieving the objectives in subsection (b), taking into account the factors in subsection (c). If the Commission determines, after notice and opportunity for public comment, that the system is not achieving the objectives in subsection (b), taking into account the factors in subsection (c), the Commission may, by regulation, make such modification or adopt such alternative system for regulating rates and classes for market-dominant products as necessary to achieve the objectives.

''(e) WORKSHARE DISCOUNTS.—

''(1) DEFINITION.—In this subsection, the term 'workshare discount' refers to rate discounts provided to mailers for the presorting, prebarcoding, handling, or transportation of mail, as further defined by the Postal Regulatory Commission under subsection (a).

''(2) SCOPE.—The Postal Regulatory Commission shall ensure that such discounts do not exceed the cost that the Postal Service avoids as a result of workshare activity, unless—

''(A) the discount is—

''(i) associated with a new postal service, a change to an existing postal service, or with a new work share initiative related to an existing postal service; and

''(ii) necessary to induce mailer behavior that furthers the economically efficient operation of the Postal Service and the portion of the discount in excess of the cost that the Postal Service avoids as a result of the workshare activity will be phased out over a limited period of time;

''(B) the amount of the discount above costs avoided—

''(i) is necessary to mitigate rate shock; and

''(ii) will be phased out over time;

''(C) the discount is provided in connection with subclasses of mail consisting exclusively of mail matter of educational, cultural, scientific, or informational value; or

''(D) reduction or elimination of the discount would impede the efficient operation of the Postal Service.

''(3) LIMITATION.—Nothing in this subsection shall require that a work share discount be reduced or eliminated if the reduction or elimination of the discount would—

''(A) lead to a loss of volume in the affected category or subclass of mail and reduce the aggregate contribution to the institutional costs of the Postal Service from the category or subclass subject to the discount below what it otherwise would have been if the discount had not been reduced or eliminated; or

''(B) result in a further increase in the rates paid by mailers not able to take advantage of the discount.

''(4) REPORT.—Whenever the Postal Service establishes a workshare discount rate, the Postal Service shall, at the time it publishes the workshare discount rate, submit to the Postal Regulatory Commission a detailed report that—

''(A) explains the Postal Service's reasons for establishing the rate;

''(B) sets forth the data, economic analyses, and other information relied on by the Postal Service to justify the rate; and

''(C) certifies that the discount will not adversely affect rates or services provided to users of postal services who do not take advantage of the discount rate.

''(f) TRANSITION RULE.—For the 1-year period beginning on the date of enactment of this section, rates and classes for market-dominant products shall remain subject to modification in accordance with the provisions of this chapter and section 407, as such provisions were last in effect before the date of enactment of this section. Proceedings initiated to consider a request for a recommended decision filed by the Postal Service during that 1-year period shall be completed in accordance with subchapter II of chapter 36 of this title and implementing regulations, as in effect before the date of enactment of this section.''.

(b) REPEALED SECTIONS.—Sections 3623, 3624, 3625, and 3628 of title 39, United States Code, are repealed.

(c) REDESIGNATION.—Chapter 36 of title 39, United States Code (as in effect after the amendment made by section 601, but before the amendment made by section 202) is amended by striking the heading for subchapter II and inserting the following:

''SUBCHAPTER I—PROVISIONS RELATING TO MARKET-DOMINANT PRODUCTS''.

SEC. 202. PROVISIONS RELATING TO COMPETITIVE PRODUCTS.

Chapter 36 of title 39, United States Code, is amended by inserting after section 3629 the following:

''SUBCHAPTER II—PROVISIONS RELATING TO COMPETITIVE PRODUCTS

''§ 3631. Applicability; definitions and updates

''(a) APPLICABILITY.—This subchapter shall apply with respect to—

''(1) priority mail;

''(2) expedited mail;

''(3) bulk parcel post;

''(4) bulk international mail; and

''(5) mailgrams;

subject to subsection (d) and any changes the Postal Regulatory Commission may make under section 3642.

''(b) DEFINITION.—For purposes of this subchapter, the term 'costs attributable', as used with respect to a product, means the direct and indirect postal costs attributable to such product through reliably identified causal relationships.

''(c) RULE OF CONSTRUCTION.—Mail matter referred to in subsection (a) shall, for purposes of this subchapter, be considered to have the meaning given to such mail matter under the mail classification schedule.

''§ 3632. Action of the Governors

''(a) AUTHORITY TO ESTABLISH RATES AND CLASSES.—The Governors, with the concurrence of a majority of all of the Governors then holding office, shall establish rates and classes for products in the competitive category of mail in accordance with the requirements of this subchapter and regulations promulgated under section 3633.

''(b) PROCEDURES.—

''(1) IN GENERAL.—Rates and classes shall be established in writing, complete with a statement of explanation and justification, and the date as of which each such rate or class takes effect.

''(2) RATES OR CLASSES OF GENERAL APPLICABILITY.—In the case of rates or classes of general applicability in the Nation as a whole or in any substantial region of the Nation, the Governors shall cause each rate and class decision under this section and the record of the Governors' proceedings in connection with such decision to be published in

the Federal Register at least 30 days before the effective date of any new rates or classes.

''(3) RATES OR CLASSES NOT OF GENERAL APPLICABILITY.—In the case of rates or classes not of general applicability in the Nation as a whole or in any substantial region of the Nation, the Governors shall cause each rate and class decision under this section and the record of the proceedings in connection with such decision to be filed with the Postal Regulatory Commission by such date before the effective date of any new rates or classes as the Governors consider appropriate, but in no case less than 15 days.

''(4) CRITERIA.—As part of the regulations required under section 3633, the Postal Regulatory Commission shall establish criteria for determining when a rate or class established under this subchapter is or is not of general applicability in the Nation as a whole or in any substantial region of the Nation.

''(c) TRANSITION RULE.—Until regulations under section 3633 first take effect, rates and classes for competitive products shall remain subject to modification in accordance with the provisions of this chapter and section 407, as such provisions were as last in effect before the date of enactment of this section.

''§ 3633. Provisions applicable to rates for competitive products

''(a) IN GENERAL.—The Postal Regulatory Commission shall, within 18 months after the date of enactment of this section, promulgate (and may from time to time thereafter revise) regulations to—

''(1) prohibit the subsidization of competitive products by market-dominant products;

''(2) ensure that each competitive product covers its costs attributable; and

''(3) ensure that all competitive products collectively cover what the Commission determines to be an appropriate share of the institutional costs of the Postal Service.

''(b) REVIEW OF MINIMUM CONTRIBUTION.—Five years after the date of enactment of this section, and every 5 years thereafter, the Postal Regulatory Commission shall conduct a review to determine whether the institutional costs contribution requirement under subsection (a)(3) should be retained in its current form, modified, or eliminated. In making its determination, the Commission shall consider all relevant circumstances, including the prevailing competitive conditions in the market, and the degree to which any costs are uniquely or disproportionately associated with any competitive products.''.

SEC. 203. PROVISIONS RELATING TO EXPERIMENTAL AND NEW PRODUCTS.

Subchapter III of chapter 36 of title 39, United States Code, is amended to read as follows:

''SUBCHAPTER III—PROVISIONS RELATING TO EXPERIMENTAL AND NEW PRODUCTS

''§ 3641. Market tests of experimental products

''(a) AUTHORITY.—

''(1) IN GENERAL.—The Postal Service may conduct market tests of experimental products in accordance with this section.

''(2) PROVISIONS WAIVED.—A product shall not, while it is being tested under this section, be subject to the requirements of sections 3622, 3633, or 3642, or regulations promulgated under those sections.

''(b) CONDITIONS.—A product may not be tested under this section unless it satisfies each of the following:

''(1) SIGNIFICANTLY DIFFERENT PRODUCT.—The product is, from the viewpoint of the mail users, significantly different from all products offered by the Postal Service within the 2-year period preceding the start of the test.

''(2) MARKET DISRUPTION.—The introduction or continued offering of the product will not create an unfair or otherwise inappropriate competitive advantage for the Postal Service or any mailer, particularly in regard to small business concerns (as defined under subsection (h)).

''(3) CORRECT CATEGORIZATION.—The Postal Service identifies the product, for the purpose of a test under this section, as either market-dominant or competitive, consistent with the criteria under section 3642(b)(1). Costs and revenues attributable to a product identified as competitive shall be included in any determination under section 3633(3) (relating to provisions applicable to competitive products collectively). Any test that solely affects products currently classified as competitive, or which provides services ancillary to only competitive products, shall be presumed to be in the competitive product category without regard to whether a similar ancillary product exists for market-dominant products.

''(c) NOTICE.—

''(1) IN GENERAL.—At least 30 days before initiating a market test under this section, the Postal Service shall file with the Postal Regulatory Commission and publish in the Federal Register a notice—

''(A) setting out the basis for the Postal Service's determination that the market test is covered by this section; and

''(B) describing the nature and scope of the market test.

''(2) SAFEGUARDS.—For a competitive experimental product, the provisions of section 504(g) shall be available with respect to any information required to be filed under paragraph (1) to the same extent and in the same manner as in the case of any matter described in section 504(g)(1). Nothing in paragraph (1) shall be considered to permit or require the publication of any information as to which confidential treatment is accorded under the preceding sentence (subject to the same exception as set forth in section 504(g)(3)).

''(d) DURATION.—

''(1) IN GENERAL.—A market test of a product under this section may be conducted over a period of not to exceed 24 months.

''(2) EXTENSION AUTHORITY.—If necessary in order to determine the feasibility or desirability of a product being tested under this section, the Postal Regulatory Commission may, upon written application of the Postal Service (filed not later than 60 days before the date as of which the testing of such product would otherwise be scheduled to terminate under paragraph (1)), extend the testing of such product for not to exceed an additional 12 months.

''(e) DOLLAR-AMOUNT LIMITATION.—

''(1) IN GENERAL.—A product may only be tested under this section if the total revenues that are anticipated, or in fact received, by the Postal Service from such product do not exceed $10,000,000 in any year, subject to paragraph (2) and subsection (g). In carrying out the preceding sentence, the Postal Regulatory Commission may limit the amount of revenues the Postal Service may obtain from any particular geographic market as necessary to prevent market disruption (as defined under subsection (b)(2)).

''(2) EXEMPTION AUTHORITY.—The Postal Regulatory Commission may, upon written application of the Postal Service, exempt the market test from the limit in paragraph (1) if the total revenues that are anticipated, or in fact received, by the Postal Service from such product do not exceed $50,000,000 in any year, subject to subsection (g). In reviewing an application under this paragraph, the Postal Regulatory Commission shall approve such application if it determines that—

''(A) the product is likely to benefit the public and meet an expected demand;

''(B) the product is likely to contribute to the financial stability of the Postal Service; and

''(C) the product is not likely to result in unfair or otherwise inappropriate competition.

''(f) CANCELLATION.—If the Postal Regulatory Commission at any time determines that a market test under this section fails, with respect to any particular product, to meet 1 or more of the requirements of this section, it may order the cancellation of the test involved or take such other action as it considers appropriate. A determination under this subsection shall be made in accordance with such procedures as the Commission shall by regulation prescribe.

''(g) ADJUSTMENT FOR INFLATION.—For purposes of each year following the year in which occurs the deadline for the Postal Service's first report to the Postal Regulatory Commission under section 3652(a), each dollar amount contained in this section shall be adjusted by the change in the Consumer Price Index for such year (as determined under regulations of the Commission).

''(h) DEFINITION OF A SMALL BUSINESS CONCERN.—The criteria used in defining small business concerns or otherwise categorizing business concerns as small business concerns shall, for purposes of this section, be established by the Postal Regulatory Commission in conformance with the requirements of section 3 of the Small Business Act.

''(i) EFFECTIVE DATE.—Market tests under this subchapter may be conducted in any year beginning with the first year in which occurs the deadline for the Postal Service's first report to the Postal Regulatory Commission under section 3652(a).

''§ 3642. New products and transfers of products between the market-dominant and competitive categories of mail

''(a) IN GENERAL.—Upon request of the Postal Service or users of the mails, or upon its own initiative, the Postal Regulatory Commission may change the list of market-dominant products under section 3621 and the list of competitive products under section 3631 by adding new products to the lists, removing products from the lists, or transferring products between the lists.

''(b) CRITERIA.—All determinations by the Postal Regulatory Commission under subsection (a) shall be made in accordance with the following criteria:

''(1) The market-dominant category of products shall consist of each product in the sale of which the Postal Service exercises sufficient market power that it can effectively set the price of such product substantially above costs, raise prices significantly, decrease quality, or decrease output, without risk of losing a significant level of business to other firms offering similar products. The competitive category of products shall consist of all other products.

''(2) EXCLUSION OF PRODUCTS COVERED BY POSTAL MONOPOLY.—A product covered by the postal monopoly shall not be subject to transfer under this section from the market-dominant category of mail. For purposes of the preceding sentence, the term 'product covered by the postal monopoly' means any product the conveyance or transmission of which is reserved to the United States under section 1696 of title 18, subject to the same exception as set forth in the last sentence of section 409(e)(1).

''(3) ADDITIONAL CONSIDERATIONS.—In making any decision under this section, due regard shall be given to—

''(A) the availability and nature of enterprises in the private sector engaged in the delivery of the product involved;

''(B) the views of those who use the product involved on the appropriateness of the proposed action; and

''(C) the likely impact of the proposed action on small business concerns (within the meaning of section 3641(h)).

''(c) TRANSFERS OF SUBCLASSES AND OTHER SUBORDINATE UNITS ALLOWABLE.—Nothing in this title shall be considered to prevent transfers under this section from being made by reason of the fact that they would involve only some (but not all) of the subclasses or other subordinate units of the class of mail or type of postal service involved (without regard to satisfaction of minimum quantity requirements standing alone).

''(d) NOTIFICATION AND PUBLICATION REQUIREMENTS.—

''(1) NOTIFICATION REQUIREMENT.—The Postal Service shall, whenever it requests to add a product or transfer a product to a different category, file with the Postal Regulatory Commission and publish in the Federal Register a notice setting out the basis for its determination that the product satisfies the criteria under subsection (b) and, in the case of a request to add a product or transfer a product to the competitive category of mail, that the product meets the regulations promulgated by the Postal Regulatory Commission under section 3633. The provisions of section 504(g) shall be available with respect to any information required to be filed.

''(2) PUBLICATION REQUIREMENT.—The Postal Regulatory Commission shall, whenever it changes the list of products in the market-dominant or competitive category of mail, prescribe new lists of products. The revised lists shall indicate how and when any previous lists (including the lists under sections 3621 and 3631) are superseded, and shall be published in the Federal Register.

''(e) PROHIBITION.—Except as provided in section 3641, no product that involves the physical delivery of letters, printed matter, or packages may be offered by the Postal Service unless it has been assigned to the market-dominant or competitive category of mail (as appropriate) either—

''(1) under this subchapter; or

''(2) by or under any other provision of law.''.

SEC. 204. REPORTING REQUIREMENTS AND RELATED PROVISIONS.

(a) REDESIGNATION.—Chapter 36 of title 39, United States Code (as in effect before the amendment made by subsection (b)) is amended—

(1) by striking the heading for subchapter IV and inserting the following:

''SUBCHAPTER V—POSTAL SERVICES, COMPLAINTS, AND JUDICIAL REVIEW''; and

(2) by striking the heading for subchapter V and inserting the following:

''SUBCHAPTER VI—GENERAL''.

(b) REPORTS AND COMPLIANCE.—Chapter 36 of title 39, United States Code, is amended by inserting after subchapter III the following:

''SUBCHAPTER IV—REPORTING REQUIREMENTS AND RELATED PROVISIONS

''§ 3651. Annual reports by the Commission

''(a) IN GENERAL.—The Postal Regulatory Commission shall submit an annual report to the President and the Congress concerning the operations of the Commission under this title, including the extent to which regulations are achieving the objectives under sections 3622 and 3633, respectively.

''(b) ADDITIONAL INFORMATION.—

''(1) IN GENERAL.—In addition to the information required under subsection (a), each report under this section shall also include, with respect to the period covered by such report, an estimate of the costs incurred by the Postal Service in providing—

''(A) postal services to areas of the Nation where, in the judgment of the Postal Regulatory Commission, the Postal Service either would not provide services at all or would not provide such services in accordance with the requirements of this title if the Postal Service were not required to provide prompt, reliable, and efficient services to patrons in all areas and all communities, including as required under the first sentence of section 101(b);

''(B) free or reduced rates for postal services as required by this title; and

''(C) other public services or activities which, in the judgment of the Postal Regulatory Commission, would not otherwise have been provided by the Postal Service but for the requirements of law.

''(2) BASIS FOR ESTIMATES.—The Commission shall detail the basis for its estimates and the statutory requirements giving rise to the costs identified in each report under this section.

''(c) INFORMATION FROM POSTAL SERVICE.—The Postal Service shall provide the Postal Regulatory Commission with such information as may, in the judgment of the Commission, be necessary in order for the Commission to prepare its reports under this section.

''§ 3652. Annual reports to the Commission

''(a) COSTS, REVENUES, RATES, AND SERVICE.—Except as provided in subsection (c), the Postal Service shall, no later than 90 days after the end of each year, prepare and submit to the Postal Regulatory Commission a report (together with such nonpublic annex to the report as the Commission may require under subsection (e))—

''(1) which shall analyze costs, revenues, rates, and quality of service, using such methodologies as the Commission shall by regulation prescribe, and in sufficient detail to demonstrate that all products during such year complied with all applicable requirements of this title; and

''(2) which shall, for each market-dominant product provided in such year, provide—

''(A) product information, including mail volumes; and

''(B) measures of the quality of service afforded by the Postal Service in connection with such product, including—

''(i) the level of service (described in terms of speed of delivery and reliability) provided; and

''(ii) the degree of customer satisfaction with the service provided.

The Inspector General shall regularly audit the data collection systems and procedures utilized in collecting information and preparing such report (including any annex thereto and the information required under subsection (b)). The results of any such audit shall be submitted to the Postal Service and the Postal Regulatory Commission.

''(b) INFORMATION RELATING TO WORKSHARE DISCOUNTS.—The Postal Service shall include, in each report under subsection (a), the following information with respect to each market-dominant product for which a workshare discount was in effect during the period covered by such report:

''(1) The per-item cost avoided by the Postal Service by virtue of such discount.

''(2) The percentage of such per-item cost avoided that the per-item workshare discount represents.

''(3) The per-item contribution made to institutional costs.

''(c) MARKET TESTS.—In carrying out subsections (a) and (b) with respect to experimental products offered through market tests under section 3641 in a year, the Postal Service shall—

''(1) report data on the costs, revenues, and quality of service by market test, which may be reported in summary form; and

''(2) report such data as the Postal Regulatory Commission requires.

''(d) SUPPORTING MATTER.—The Postal Regulatory Commission shall have access, in accordance with such regulations as the Commission shall prescribe, to the working papers and any other supporting matter of the Postal Service and the Inspector General in connection with any information submitted under this section.

''(e) CONTENT AND FORM OF REPORTS.—

''(1) IN GENERAL.—The Postal Regulatory Commission shall, by regulation, prescribe the content and form of the public reports (and any nonpublic annex and supporting matter relating to the report) to be provided by the Postal Service under this section. In carrying out this subsection, the Commission shall give due consideration to—

''(A) providing the public with timely, adequate information to assess the lawfulness of rates charged;

''(B) avoiding unnecessary or unwarranted administrative effort and expense on the part of the Postal Service; and

''(C) protecting the confidentiality of commercially sensitive information.

''(2) REVISED REQUIREMENTS.—The Commission may, on its own motion or on request of an interested party, initiate proceedings (to be conducted in accordance with regulations that the Commission shall prescribe) to improve the quality, accuracy, or completeness of Postal Service data required by the Commission under this subsection whenever it shall appear that—

''(A) the attribution of costs or revenues to products has become significantly inaccurate or can be significantly improved;

''(B) the quality of service data has become significantly inaccurate or can be significantly improved; or

''(C) such revisions are, in the judgment of the Commission, otherwise necessitated by the public interest.

''(f) CONFIDENTIAL INFORMATION.—

''(1) IN GENERAL.—If the Postal Service determines that any document or portion of a document, or other matter, which it provides to the Postal Regulatory Commission in a nonpublic annex under this section or under subsection (d) contains information which is described in section 410(c) of this title, or exempt from public disclosure under section 552(b) of title 5, the Postal Service shall, at the time of providing such matter to the Commission, notify the Commission of its determination, in writing, and describe with particularity the documents (or portions of documents) or other matter for which confidentiality is sought and the reasons therefor.

''(2) TREATMENT.—Any information or other matter described in paragraph (1) to which the Commission gains access under this section shall be subject to paragraphs (2) and (3) of section 504(g) in the same way as if the Commission had received notification with respect to such matter under section 504(g)(1).

''(g) OTHER REPORTS.—The Postal Service shall submit to the Postal Regulatory Commission, together with any other submission that the Postal Service is required to make under this section in a year, copies of its then most recent—

''(1) comprehensive statement under section 2401(e);

''(2) performance plan under section 2803; and

''(3) program performance reports under section 2804.

''§ 3653. Annual determination of compliance

''(a) OPPORTUNITY FOR PUBLIC COMMENT.—After receiving the reports required under section 3652 for any year, the Postal Regulatory Commission shall promptly provide

an opportunity for comment on such reports by users of the mails, affected parties, and an officer of the Commission who shall be required to represent the interests of the general public.

''(b) DETERMINATION OF COMPLIANCE OR NONCOMPLIANCE.—Not later than 90 days after receiving the submissions required under section 3652 with respect to a year, the Postal Regulatory Commission shall make a written determination as to—

''(1) whether any rates or fees in effect during such year (for products individually or collectively) were not in compliance with applicable provisions of this chapter (or regulations promulgated thereunder); or

''(2) whether any service standards in effect during such year were not met.

If, with respect to a year, no instance of noncompliance is found under this subsection to have occurred in such year, the written determination shall be to that effect.

''(c) NONCOMPLIANCE WITH REGARD TO RATES OR SERVICES.—If, for a year, a timely written determination of noncompliance is made under subsection (b), the Postal Regulatory Commission shall take appropriate action in accordance with subsections (c) and (e) of section 3662 (as if a complaint averring such noncompliance had been duly filed and found under such section to be justified).

''(d) REVIEW OF PERFORMANCE GOALS.—The Postal Regulatory Commission shall also evaluate annually whether the Postal Service has met the goals established under sections 2803 and 2804, and may provide recommendations to the Postal Service related to the protection or promotion of public policy objectives set out in this title.

''(e) REBUTTABLE PRESUMPTION.—A timely written determination described in the last sentence of subsection (b) shall, for purposes of any proceeding under section 3662, create a rebuttable presumption of compliance by the Postal Service (with regard to the matters described under paragraphs (1) and (2) of subsection (b)) during the year to which such determination relates.

''§ 3654. Additional financial reporting

''(a) ADDITIONAL FINANCIAL REPORTING.—

''(1) IN GENERAL.—The Postal Service shall file with the Postal Regulatory Commission beginning with the first full fiscal year following the effective date of this section—

''(A) within 40 days after the end of each fiscal quarter, a quarterly report containing the information required by the Securities and Exchange Commission to be included in quarterly reports under sections 13 and 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m, 78*o*(d)) on Form 10–Q, as such Form (or any successor form) may be revised from time to time;

''(B) within 60 days after the end of each fiscal year, an annual report containing the information required by the Securities and Exchange Commission to be included in annual reports under such sections on Form 10–K, as such Form (or any successor form) may be revised from time to time; and

''(C) periodic reports within the time frame and containing the information prescribed in Form 8–K of the Securities and Exchange Commission, as such Form (or any successor form) may be revised from time to time.

''(2) REGISTRANT DEFINED.—For purposes of defining the reports required by paragraph (1), the Postal Service shall be deemed to be the 'registrant' described in the Securities and Exchange Commission Forms, and references contained in such Forms to Securities and Exchange Commission regulations are incorporated herein by reference, as amended.

''(3) INTERNAL CONTROL REPORT.—For purposes of defining the reports required by paragraph (1)(B), the Postal Service shall comply with the rules prescribed by the Securities and Exchange Commission implementing section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262), beginning with the annual report for fiscal year 2010.

''(b) FINANCIAL REPORTING.—

''(1) The reports required by subsection (a)(1)(B) shall include, with respect to the Postal Service's pension and post-retirement health obligations—

''(A) the funded status of the Postal Service's pension and postretirement health obligations;

''(B) components of the net change in the fund balances and obligations and the nature and cause of any significant changes;

''(C) components of net periodic costs;

''(D) cost methods and assumptions underlying the relevant actuarial valuations;

''(E) the effect of a one-percentage point increase in the assumed health care cost trend rate for each future year on the service and interest costs components of net periodic postretirement health cost and the accumulated obligation;

''(F) actual contributions to and payments from the funds for the years presented and the estimated future contributions and payments for each of the following 5 years;

''(G) the composition of plan assets reflected in the fund balances; and

''(H) the assumed rate of return on fund balances and the actual rates of return for the years presented.

''(2) The Office of Personnel Management shall provide the data listed under paragraph (1) to the Postal Service not later than 30 days after the end of each fiscal year.

''(3)(A) Beginning with reports for the fiscal year 2010, for purposes of the reports required under subparagraphs (A) and (B) of subsection (a)(1), the Postal Service shall include segment reporting.

''(B) The Postal Service shall determine the appropriate segment reporting under subparagraph (A) after consultation with the Postal Regulatory Commission.

''(c) TREATMENT.—For purposes of the reports required by subsection (a)(1)(B), the Postal Service shall obtain an opinion from an independent auditor on whether the information listed in subsection (b) is fairly stated in all material respects, either in relation to the basic financial statements as a whole or on a stand-alone basis.

''(d) SUPPORTING MATTER.—The Postal Regulatory Commission shall have access to the audit documentation and any other supporting matter of the Postal Service and its independent auditor in connection with any information submitted under this section.

''(e) REVISED REQUIREMENTS.—The Postal Regulatory Commission may, on its own motion or on request of an interested party, initiate proceedings (to be conducted in accordance with regulations that the Commission shall prescribe) to improve the quality, accuracy, or completeness of Postal Service data required under this section whenever it shall appear that—

''(1) the data have become significantly inaccurate or can be significantly improved; or

''(2) those revisions are, in the judgment of the Commission, otherwise necessitated by the public interest.

''(f) CONFIDENTIAL INFORMATION.—

''(1) IN GENERAL.—If the Postal Service determines that any document or portion of a document, or other matter, which it provides to the Postal Regulatory Commission in a nonpublic annex under this section or pursuant to subsection (d) contains information which is described in section 410(c) of this title, or exempt from public disclosure under section 552(b) of title 5, the Postal Service shall, at the time of providing such matter to the Commission, notify the Commission of its determination, in writing, and describe with particularity the documents (or portions of documents) or other matter for which confidentiality is sought and the reasons therefor.

''(2) TREATMENT.—Any information or other matter described in paragraph (1) to which the Commission gains access under this section shall be subject to paragraphs (2) and (3) of section 504(g) in the same way as if the Commission had received notification with respect to such matter under section 504(g)(1).''.

SEC. 205. COMPLAINTS; APPELLATE REVIEW AND ENFORCEMENT.

Chapter 36 of title 39, United States Code, is amended by striking sections 3662 and 3663 and inserting the following:

''§ 3662. Rate and service complaints

''(a) IN GENERAL.—Any interested person (including an officer of the Postal Regulatory Commission representing the interests of the general public) who believes the Postal Service is not operating in conformance with the requirements of the provisions of sections 101(d), 401(2), 403(c), 404a, or 601, or this chapter (or regulations promulgated under any of those provisions) may lodge a complaint with the Postal Regulatory Commission in such form and manner as the Commission may prescribe.

''(b) PROMPT RESPONSE REQUIRED.—

''(1) IN GENERAL.—The Postal Regulatory Commission shall, within 90 days after receiving a complaint under subsection (a)—

''(A) either—

''(i) upon a finding that such complaint raises material issues of fact or law, begin proceedings on such complaint; or

''(ii) issue an order dismissing the complaint; and

''(B) with respect to any action taken under subparagraph (A) (i) or (ii), issue a written statement setting forth the bases of its determination.

''(2) TREATMENT OF COMPLAINTS NOT TIMELY ACTED ON.—For purposes of section 3663, any complaint under subsection (a) on which the Commission fails to act in the time and manner required by paragraph (1) shall be treated in the same way as if it had been dismissed pursuant to an order issued by the Commission on the last day allowable for the issuance of such order under paragraph (1).

''(c) ACTION REQUIRED IF COMPLAINT FOUND TO BE JUSTIFIED.—If the Postal Regulatory Commission finds the complaint to be justified, it shall order that the Postal Service take such action as the Commission considers appropriate in order to achieve compliance with the applicable requirements and to remedy the effects of any noncompliance (such as ordering unlawful rates to be adjusted to lawful levels, ordering the cancellation of market tests, ordering the Postal Service to discontinue providing loss-making products, or requiring the Postal Service to make up for revenue shortfalls in competitive products).

''(d) AUTHORITY TO ORDER FINES IN CASES OF DELIBERATE NONCOMPLIANCE.—In addition, in cases of deliberate noncompliance by the Postal Service with the requirements of this title, the Postal Regulatory Commission may order, based on the nature, circumstances, extent, and seriousness of the noncompliance, a fine (in the amount specified by the Commission in its order) for each incidence of noncompliance. Fines resulting from the provision of competitive products shall be paid from the Competitive Products Fund established in section 2011. All receipts from fines imposed under this subsection shall be deposited in the general fund of the Treasury of the United States.

''§ 3663. Appellate review

''A person, including the Postal Service, adversely affected or aggrieved by a final

order or decision of the Postal Regulatory Commission may, within 30 days after such order or decision becomes final, institute proceedings for review thereof by filing a petition in the United States Court of Appeals for the District of Columbia. The court shall review the order or decision in accordance with section 706 of title 5, and chapter 158 and section 2112 of title 28, on the basis of the record before the Commission.

"§ 3664. Enforcement of orders

''The several district courts have jurisdiction specifically to enforce, and to enjoin and restrain the Postal Service from violating, any order issued by the Postal Regulatory Commission.''.

SEC. 206. CLERICAL AMENDMENT.

Chapter 36 of title 39, United States Code, is amended by striking the heading and analysis for such chapter and inserting the following:

"CHAPTER 36—POSTAL RATES, CLASSES, AND SERVICES

''SUBCHAPTER I—PROVISIONS RELATING TO MARKET-DOMINANT PRODUCTS

''Sec.
''3621. Applicability; definitions.
''3622. Modern rate regulation.
''[3623. Repealed.]
''[3624. Repealed.]
''[3625. Repealed.]
''3626. Reduced Rates.
''3627. Adjusting free rates.
''[3628. Repealed.]
''3629. Reduced rates for voter registration purposes.

''SUBCHAPTER II—PROVISIONS RELATING TO COMPETITIVE PRODUCTS

''3631. Applicability; definitions and updates.
''3632. Action of the Governors.
''3633. Provisions applicable to rates for competitive products.
''3634. Assumed Federal income tax on competitive products.

''SUBCHAPTER III—PROVISIONS RELATING TO EXPERIMENTAL AND NEW PRODUCTS

''3641. Market tests of experimental products.
''3642. New products and transfers of products between the market-dominant and competitive categories of mail.

''SUBCHAPTER IV—REPORTING REQUIREMENTS AND RELATED PROVISIONS

''3651. Annual reports by the Commission.
''3652. Annual reports to the Commission.
''3653. Annual determination of compliance.
''3654. Additional financial reporting.

''SUBCHAPTER V—POSTAL SERVICES, COMPLAINTS, AND JUDICIAL REVIEW

''3661. Postal Services.
''3662. Rate and service complaints.
''3663. Appellate review.
''3664. Enforcement of orders.

''SUBCHAPTER VI—GENERAL

''3681. Reimbursement.
''3682. Size and weight limits.
''3683. Uniform rates for books; films, other materials.
''3684. Limitations.
''3685. Filing of information relating to periodical publications.
''3686. Bonus authority.

''SUBCHAPTER VII—MODERN SERVICE STANDARDS

''3691. Establishment of modern service standards.''.

TITLE III—MODERN SERVICE STANDARDS

SEC. 301. ESTABLISHMENT OF MODERN SERVICE STANDARDS.

Chapter 36 of title 39, United States Code, as amended by this Act, is further amended by adding at the end the following:

''SUBCHAPTER VII—MODERN SERVICE STANDARDS

"§ 3691. Establishment of modern service standards

''(a) AUTHORITY GENERALLY.—Not later than 12 months after the date of enactment of this section, the Postal Service shall, in consultation with the Postal Regulatory Commission, by regulation establish (and may from time to time thereafter by regulation revise) a set of service standards for market-dominant products.

''(b) OBJECTIVES.—

''(1) IN GENERAL.—Such standards shall be designed to achieve the following objectives:

''(A) To enhance the value of postal services to both senders and recipients.

''(B) To preserve regular and effective access to postal services in all communities, including those in rural areas or where post offices are not self-sustaining.

''(C) To reasonably assure Postal Service customers delivery reliability, speed and frequency consistent with reasonable rates and best business practices.

''(D) To provide a system of objective external performance measurements for each market-dominant product as a basis for measurement of Postal Service performance.

''(2) IMPLEMENTATION OF PERFORMANCE MEASUREMENTS.—With respect to paragraph (1)(D), with the approval of the Postal Regulatory Commission an internal measurement system may be implemented instead of an external measurement system.

''(c) FACTORS.—In establishing or revising such standards, the Postal Service shall take into account—

''(1) the actual level of service that Postal Service customers receive under any service guidelines previously established by the Postal Service or service standards established under this section;

''(2) the degree of customer satisfaction with Postal Service performance in the acceptance, processing and delivery of mail;

''(3) the needs of Postal Service customers, including those with physical impairments;

''(4) mail volume and revenues projected for future years;

''(5) the projected growth in the number of addresses the Postal Service will be required to serve in future years;

''(6) the current and projected future cost of serving Postal Service customers;

''(7) the effect of changes in technology, demographics, and population distribution on the efficient and reliable operation of the postal delivery system; and

''(8) the policies of this title and such other factors as the Postal Service determines appropriate.

''(d) REVIEW.—The regulations promulgated pursuant to this section (and any revisions thereto), and any violations thereof, shall be subject to review upon complaint under sections 3662 and 3663.''.

SEC. 302. POSTAL SERVICE PLAN.

(a) IN GENERAL.—Within 6 months after the establishment of the service standards under section 3691 of title 39, United States Code, as added by this Act, the Postal Service shall, in consultation with the Postal Regulatory Commission, develop and submit to Congress a plan for meeting those standards.

(b) CONTENTS.—The plan under this section shall—

(1) establish performance goals;

(2) describe any changes to the Postal Service's processing, transportation, delivery, and retail networks necessary to allow the Postal Service to meet the performance goals;

(3) describe any changes to planning and performance management documents previously submitted to Congress to reflect new performance goals; and

(4) describe the long-term vision of the Postal Service for rationalizing its infrastructure and workforce, and how the Postal Service intends to implement that vision.

(c) POSTAL FACILITIES.—

(1) FINDINGS.—Congress finds that—

(A) the Postal Service has more than 400 logistics facilities, separate from its post office network;

(B) as noted by the President's Commission on the United States Postal Service, the Postal Service has more facilities than it needs and the streamlining of this distribution network can pave the way for the potential consolidation of sorting facilities and the elimination of excess costs;

(C) the Postal Service has always revised its distribution network to meet changing conditions and is best suited to address its operational needs; and

(D) Congress strongly encourages the Postal Service to—

(i) expeditiously move forward in its streamlining efforts; and

(ii) keep unions, management associations, and local elected officials informed as an essential part of this effort and abide by any procedural requirements contained in the national bargaining agreements.

(2) IN GENERAL.—The Postal Service plan shall include a description of—

(A) the long-term vision of the Postal Service for rationalizing its infrastructure and workforce; and

(B) how the Postal Service intends to implement that vision.

(3) CONTENT OF FACILITIES PLAN.—The plan under this subsection shall include—

(A) a strategy for how the Postal Service intends to rationalize the postal facilities network and remove excess processing capacity and space from the network, including estimated timeframes, criteria, and processes to be used for making changes to the facilities network, and the process for engaging policy makers and the public in related decisions;

(B) a discussion of what impact any facility changes may have on the postal workforce and whether the Postal Service has sufficient flexibility to make needed workforce changes;

(C) an identification of anticipated costs, cost savings, and other benefits associated with the infrastructure rationalization alternatives discussed in the plan; and

(D) procedures that the Postal Service will use to—

(i) provide adequate public notice to communities potentially affected by a proposed rationalization decision;

(ii) make available information regarding any service changes in the affected communities, any other effects on customers, any effects on postal employees, and any cost savings;

(iii) afford affected persons ample opportunity to provide input on the proposed decision; and

(iv) take such comments into account in making a final decision.

(4) ANNUAL REPORTS.—

(A) IN GENERAL.—Not later than 90 days after the end of each fiscal year, the Postal Service shall prepare and submit a report to Congress on how postal decisions have impacted or will impact rationalization plans.

(B) CONTENTS.—Each report under this paragraph shall include—

(i) an account of actions taken during the preceding fiscal year to improve the efficiency and effectiveness of its processing, transportation, and distribution networks while preserving the timely delivery of postal services, including overall estimated costs and cost savings;

(ii) an account of actions taken to identify any excess capacity within its processing,

transportation, and distribution networks and implement savings through realignment or consolidation of facilities including overall estimated costs and cost savings;

(iii) an estimate of how postal decisions related to mail changes, security, automation initiatives, worksharing, information technology systems, excess capacity, consolidating and closing facilities, and other areas will impact rationalization plans;

(iv) identification of any statutory or regulatory obstacles that prevented or will prevent or hinder the Postal Service from taking action to realign or consolidate facilities; and

(v) such additional topics and recommendations as the Postal Service considers appropriate.

(5) EXISTING EFFORTS.—Effective on the date of enactment of this Act, the Postal Service may not close or consolidate any processing or logistics facilities without using procedures for public notice and input consistent with those described under paragraph (3)(D).

(d) ALTERNATE RETAIL OPTIONS.—The Postal Service plan shall include plans to expand and market retail access to postal services, in addition to post offices, including—

(1) vending machines;

(2) the Internet;

(3) postage meters;

(4) Stamps by Mail;

(5) Postal Service employees on delivery routes;

(6) retail facilities in which overhead costs are shared with private businesses and other government agencies;

(7) postal kiosks; or

(8) any other nonpost office access channel providing market retail access to postal services.

(e) REEMPLOYMENT ASSISTANCE AND RETIREMENT BENEFITS.—The Postal Service plan shall include—

(1) a comprehensive plan under which reemployment assistance shall be afforded to employees displaced as a result of automation of any of its functions, the closing and consolidation of any of its facilities, or such other reasons as the Postal Service may determine; and

(2) a plan, developed in consultation with the Office of Personnel Management, to offer early retirement benefits.

(f) CONTINUED AUTHORITY.—Nothing in this section shall be construed to prohibit the Postal Service from implementing any change to its processing, transportation, delivery, and retail networks under any authority granted to the Postal Service for those purposes.

TITLE IV—PROVISIONS RELATING TO FAIR COMPETITION

SEC. 401. POSTAL SERVICE COMPETITIVE PRODUCTS FUND.

(a) PROVISIONS RELATING TO POSTAL SERVICE COMPETITIVE PRODUCTS FUND AND RELATED MATTERS.—

(1) IN GENERAL.—Chapter 20 of title 39, United States Code, is amended by adding at the end the following:

"§ 2011. Provisions relating to competitive products

''(a)(1) In this subsection, the term 'costs attributable' has the meaning given such term by section 3631.

''(2) There is established in the Treasury of the United States a revolving fund, to be called the Postal Service Competitive Products Fund, which shall be available to the Postal Service without fiscal year limitation for the payment of—

''(A) costs attributable to competitive products; and

''(B) all other costs incurred by the Postal Service, to the extent allocable to competitive products.

''(b) There shall be deposited in the Competitive Products Fund, subject to withdrawal by the Postal Service—

''(1) revenues from competitive products;

''(2) amounts received from obligations issued by Postal Service under subsection (e);

''(3) interest and dividends earned on investments of the Competitive Products Fund; and

''(4) any other receipts of the Postal Service (including from the sale of assets), to the extent allocable to competitive products.

''(c) If the Postal Service determines that the moneys of the Competitive Products Fund are in excess of current needs, the Postal Service may request the investment of such amounts as the Postal Service determines advisable by the Secretary of the Treasury in obligations of, or obligations guaranteed by, the Government of the United States, and, with the approval of the Secretary, in such other obligations or securities as the Postal Service determines appropriate.

''(d) With the approval of the Secretary of the Treasury, the Postal Service may deposit moneys of the Competitive Products Fund in any Federal Reserve bank, any depository for public funds, or in such other places and in such manner as the Postal Service and the Secretary may mutually agree.

''(e)(1)(A) Subject to the limitations specified in section 2005(a), the Postal Service is authorized to borrow money and to issue and sell such obligations as the Postal Service determines necessary to provide for competitive products and deposit such amounts in the Competitive Products Fund.

''(B) Subject to paragraph (5), any borrowings by the Postal Service under subparagraph (A) shall be supported and serviced by—

''(i) the revenues and receipts from competitive products and the assets related to the provision of competitive products (as determined under subsection (h)); or

''(ii) for purposes of any period before accounting practices and principles under subsection (h) have been established and applied, the best information available from the Postal Service, including the audited statements required by section 2008(e).

''(2) The Postal Service may enter into binding covenants with the holders of such obligations, and with any trustee under any agreement entered into in connection with the issuance of such obligations with respect to—

''(A) the establishment of reserve, sinking, and other funds;

''(B) application and use of revenues and receipts of the Competitive Products Fund;

''(C) stipulations concerning the subsequent issuance of obligations or the execution of leases or lease purchases relating to properties of the Postal Service; and

''(D) such other matters as the Postal Service, considers necessary or desirable to enhance the marketability of such obligations.

''(3) Obligations issued by the Postal Service under this subsection—

''(A) shall be in such forms and denominations;

''(B) shall be sold at such times and in such amounts;

''(C) shall mature at such time or times;

''(D) shall be sold at such prices;

''(E) shall bear such rates of interest;

''(F) may be redeemable before maturity in such manner, at such times, and at such redemption premiums;

''(G) may be entitled to such relative priorities of claim on the assets of the Postal Service with respect to principal and interest payments; and

''(H) shall be subject to such other terms and conditions, as the Postal Service determines.

''(4) Obligations issued by the Postal Service under this subsection—

''(A) shall be negotiable or nonnegotiable and bearer or registered instruments, as specified therein and in any indenture or covenant relating thereto;

''(B) shall contain a recital that such obligations are issued under this section, and such recital shall be conclusive evidence of the regularity of the issuance and sale of such obligations and of their validity;

''(C) shall be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of any officer or agency of the Government of the United States, and the Secretary of the Treasury or any other officer or agency having authority over or control of any such fiduciary, trust, or public funds, may at any time sell any of the obligations of the Postal Service acquired under this section;

''(D) shall not be exempt either as to principal or interest from any taxation now or hereafter imposed by any State or local taxing authority; and

''(E) except as provided in section 2006(c), shall not be obligations of, nor shall payment of the principal thereof or interest thereon be guaranteed by, the Government of the United States, and the obligations shall so plainly state.

''(5) The Postal Service shall make payments of principal, or interest, or both on obligations issued under this section out of revenues and receipts from competitive products and assets related to the provision of competitive products (as determined under subsection (h)), or for purposes of any period before accounting practices and principles under subsection (h) have been established and applied, the best information available, including the audited statements required by section 2008(e). For purposes of this subsection, the total assets of the Competitive Products Fund shall be the greater of—

''(A) the assets related to the provision of competitive products as calculated under subsection (h); or

''(B) the percentage of total Postal Service revenues and receipts from competitive products times the total assets of the Postal Service.

''(f) The receipts and disbursements of the Competitive Products Fund shall be accorded the same budgetary treatment as is accorded to receipts and disbursements of the Postal Service Fund under section 2009a.

''(g) A judgment (or settlement of a claim) against the Postal Service or the Government of the United States shall be paid out of the Competitive Products Fund to the extent that the judgment or claim arises out of activities of the Postal Service in the provision of competitive products.

''(h)(1)(A) The Secretary of the Treasury, in consultation with the Postal Service and an independent, certified public accounting firm and other advisors as the Secretary considers appropriate, shall develop recommendations regarding—

''(i) the accounting practices and principles that should be followed by the Postal Service with the objectives of—

''(I) identifying and valuing the assets and liabilities of the Postal Service associated with providing competitive products, including the capital and operating costs incurred by the Postal Service in providing such competitive products; and

''(II) subject to subsection (e)(5), preventing the subsidization of such products by market-dominant products; and

''(ii) the substantive and procedural rules that should be followed in determining the assumed Federal income tax on competitive

products income of the Postal Service for any year (within the meaning of section 3634).

''(B) Not earlier than 6 months after the date of enactment of this section, and not later than 12 months after such date, the Secretary of the Treasury shall submit the recommendations under subparagraph (A) to the Postal Regulatory Commission.

''(2)(A) Upon receiving the recommendations of the Secretary of the Treasury under paragraph (1), the Commission shall give interested parties, including the Postal Service, users of the mails, and an officer of the Commission who shall be required to represent the interests of the general public, an opportunity to present their views on those recommendations through submission of written data, views, or arguments with or without opportunity for oral presentation, or in such other manner as the Commission considers appropriate.

''(B)(i) After due consideration of the views and other information received under subparagraph (A), the Commission shall by rule—

''(I) provide for the establishment and application of the accounting practices and principles which shall be followed by the Postal Service;

''(II) provide for the establishment and application of the substantive and procedural rules described under paragraph (1)(A)(ii); and

''(III) provide for the submission by the Postal Service to the Postal Regulatory Commission of annual and other periodic reports setting forth such information as the Commission may require.

''(ii) Final rules under this subparagraph shall be issued not later than 12 months after the date on which recommendations are submitted under paragraph (1) (or by such later date on which the Commission and the Postal Service may agree). The Commission is authorized to promulgate regulations revising such rules.

''(C)(i) Reports described under subparagraph (B)(i)(III) shall be submitted at such time and in such form, and shall include such information, as the Commission by rule requires.

''(ii) The Commission may, on its own motion or on request of an interested party, initiate proceedings (to be conducted in accordance with such rules as the Commission shall prescribe) to improve the quality, accuracy, or completeness of Postal Service information under subparagraph (B)(i)(III) whenever it shall appear that—

''(I) the quality of the information furnished in those reports has become significantly inaccurate or can be significantly improved; or

''(II) such revisions are, in the judgment of the Commission, otherwise necessitated by the public interest.

''(D) A copy of each report described under subparagraph (B)(i)(III) shall be submitted by the Postal Service to the Secretary of the Treasury and the Inspector General of the United States Postal Service.

''(i)(1) The Postal Service shall submit an annual report to the Secretary of the Treasury concerning the operation of the Competitive Products Fund. The report shall address such matters as risk limitations, reserve balances, allocation or distribution of moneys, liquidity requirements, and measures to safeguard against losses.

''(2) A copy of the most recent report submitted under paragraph (1) shall be included in the annual report submitted by the Postal Regulatory Commission under section 3652(g).''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 20 of title 39, United States Code, is amended by adding after the item relating to section 2010 the following:

''2011. Provisions relating to competitive products.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITION.—Section 2001 of title 39, United States Code, is amended by striking ''and'' at the end of paragraph (1), by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following:

''(2) COMPETITIVE PRODUCTS FUND.—The term 'Competitive Products Fund' means the Postal Service Competitive Products Fund established by section 2011; and''.

(2) CAPITAL OF THE POSTAL SERVICE.—Section 2002(b) of title 39, United States Code, is amended by striking ''Fund,'' and inserting ''Fund and the balance in the Competitive Products Fund,''.

(3) POSTAL SERVICE FUND.—

(A) PURPOSES FOR WHICH AVAILABLE.—Section 2003(a) of title 39, United States Code, is amended by striking ''title.'' and inserting ''title (other than any of the purposes, functions, or powers for which the Competitive Products Fund is available).''.

(B) DEPOSITS.—Section 2003(b) of title 39, United States Code, is amended by striking ''There'' and inserting ''Except as otherwise provided in section 2011, there''.

(4) RELATIONSHIP BETWEEN THE TREASURY AND THE POSTAL SERVICE.—Section 2006 of title 39, United States Code, is amended—

(A) in subsection (a), in the first sentence, by inserting ''or 2011'' after ''section 2005'';

(B) in subsection (b)—

(i) in the first sentence, by inserting ''under section 2005'' before ''in such amounts''; and

(ii) in the second sentence, by inserting ''under section 2005'' before ''in excess of such amount.''; and

(C) in subsection (c), by inserting ''or 2011(e)(4)(E)'' after ''section 2005(d)(5)''.

SEC. 402. ASSUMED FEDERAL INCOME TAX ON COMPETITIVE PRODUCTS INCOME.

Subchapter II of chapter 36 of title 39, United States Code, as amended by section 202, is amended by adding at the end the following:

''§ 3634. Assumed Federal income tax on competitive products income

''(a) DEFINITIONS.—For purposes of this section—

''(1) the term 'assumed Federal income tax on competitive products income' means the net income tax that would be imposed by chapter 1 of the Internal Revenue Code of 1986 on the Postal Service's assumed taxable income from competitive products for the year; and

''(2) the term 'assumed taxable income from competitive products', with respect to a year, refers to the amount representing what would be the taxable income of a corporation under the Internal Revenue Code of 1986 for the year, if—

''(A) the only activities of such corporation were the activities of the Postal Service allocable under section 2011(h) to competitive products; and

''(B) the only assets held by such corporation were the assets of the Postal Service allocable under section 2011(h) to such activities.

''(b) COMPUTATION AND TRANSFER REQUIREMENTS.—The Postal Service shall, for each year beginning with the year in which occurs the deadline for the Postal Service's first report to the Postal Regulatory Commission under section 3652(a)—

''(1) compute its assumed Federal income tax on competitive products income for such year; and

''(2) transfer from the Competitive Products Fund to the Postal Service Fund the amount of that assumed tax.

''(c) DEADLINE FOR TRANSFERS.—Any transfer required to be made under this section for a year shall be due on or before the January 15th next occurring after the close of such year.''.

SEC. 403. UNFAIR COMPETITION PROHIBITED.

(a) SPECIFIC LIMITATIONS.—Chapter 4 of title 39, United States Code, is amended by adding after section 404 the following:

''§ 404a. Specific limitations

''(a) Except as specifically authorized by law, the Postal Service may not—

''(1) establish any rule or regulation (including any standard) the effect of which is to preclude competition or establish the terms of competition unless the Postal Service demonstrates that the regulation does not create an unfair competitive advantage for itself or any entity funded (in whole or in part) by the Postal Service;

''(2) compel the disclosure, transfer, or licensing of intellectual property to any third party (such as patents, copyrights, trademarks, trade secrets, and proprietary information); or

''(3) obtain information from a person that provides (or seeks to provide) any product, and then offer any postal service that uses or is based in whole or in part on such information, without the consent of the person providing that information, unless substantially the same information is obtained (or obtainable) from an independent source or is otherwise obtained (or obtainable).

''(b) The Postal Regulatory Commission shall prescribe regulations to carry out this section.

''(c) Any party (including an officer of the Commission representing the interests of the general public) who believes that the Postal Service has violated this section may bring a complaint in accordance with section 3662.''.

(b) CONFORMING AMENDMENTS.—

(1) GENERAL POWERS.—Section 401 of title 39, United States Code, is amended by striking ''The'' and inserting ''Subject to the provisions of section 404a, the''.

(2) SPECIFIC POWERS.—Section 404(a) of title 39, United States Code, is amended by striking ''Without'' and inserting ''Subject to the provisions of section 404a, but otherwise without''.

(c) CLERICAL AMENDMENT.—The analysis for chapter 4 of title 39, United States Code, is amended by inserting after the item relating to section 404 the following:

''404a. Specific limitations.''.

SEC. 404. SUITS BY AND AGAINST THE POSTAL SERVICE.

(a) IN GENERAL.—Section 409 of title 39, United States Code, is amended by striking subsections (d) and (e) and inserting the following:

''(d)(1) For purposes of the provisions of law cited in paragraphs (2)(A) and (2)(B), respectively, the Postal Service—

''(A) shall be considered to be a 'person', as used in the provisions of law involved; and

''(B) shall not be immune under any other doctrine of sovereign immunity from suit in Federal court by any person for any violation of any of those provisions of law by any officer or employee of the Postal Service.

''(2) This subsection applies with respect to—

''(A) the Act of July 5, 1946 (commonly referred to as the 'Trademark Act of 1946' (15 U.S.C. 1051 and following)); and

''(B) the provisions of section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair or deceptive acts or practices.

''(e)(1) To the extent that the Postal Service, or other Federal agency acting on behalf of or in concert with the Postal Service, engages in conduct with respect to any product which is not reserved to the United States under section 1696 of title 18, the Postal Service or other Federal agency (as the case may be)—

''(A) shall not be immune under any doctrine of sovereign immunity from suit in Federal court by any person for any violation of Federal law by such agency or any officer or employee thereof; and

''(B) shall be considered to be a person (as defined in subsection (a) of the first section of the Clayton Act) for purposes of—

''(i) the antitrust laws (as defined in such subsection); and

''(ii) section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

For purposes of the preceding sentence, any private carriage of mail allowable by virtue of section 601 shall not be considered a service reserved to the United States under section 1696 of title 18.

''(2) No damages, interest on damages, costs or attorney's fees may be recovered, and no criminal liability may be imposed, under the antitrust laws (as so defined) from any officer or employee of the Postal Service, or other Federal agency acting on behalf of or in concert with the Postal Service, acting in an official capacity.

''(3) This subsection shall not apply with respect to conduct occurring before the date of enactment of this subsection.

''(f)(1) Each building constructed or altered by the Postal Service shall be constructed or altered, to the maximum extent feasible as determined by the Postal Service, in compliance with 1 of the nationally recognized model building codes and with other applicable nationally recognized codes.

''(2) Each building constructed or altered by the Postal Service shall be constructed or altered only after consideration of all requirements (other than procedural requirements) of zoning laws, land use laws, and applicable environmental laws of a State or subdivision of a State which would apply to the building if it were not a building constructed or altered by an establishment of the Government of the United States.

''(3) For purposes of meeting the requirements of paragraphs (1) and (2) with respect to a building, the Postal Service shall—

''(A) in preparing plans for the building, consult with appropriate officials of the State or political subdivision, or both, in which the building will be located;

''(B) upon request, submit such plans in a timely manner to such officials for review by such officials for a reasonable period of time not exceeding 30 days; and

''(C) permit inspection by such officials during construction or alteration of the building, in accordance with the customary schedule of inspections for construction or alteration of buildings in the locality, if such officials provide to the Postal Service—

''(i) a copy of such schedule before construction of the building is begun; and

''(ii) reasonable notice of their intention to conduct any inspection before conducting such inspection.

Nothing in this subsection shall impose an obligation on any State or political subdivision to take any action under the preceding sentence, nor shall anything in this subsection require the Postal Service or any of its contractors to pay for any action taken by a State or political subdivision to carry out this subsection (including reviewing plans, carrying out on-site inspections, issuing building permits, and making recommendations).

''(4) Appropriate officials of a State or a political subdivision of a State may make recommendations to the Postal Service concerning measures necessary to meet the requirements of paragraphs (1) and (2). Such officials may also make recommendations to the Postal Service concerning measures which should be taken in the construction or alteration of the building to take into account local conditions. The Postal Service shall give due consideration to any such recommendations.

''(5) In addition to consulting with local and State officials under paragraph (3), the Postal Service shall establish procedures for soliciting, assessing, and incorporating local community input on real property and land use decisions.

''(6) For purposes of this subsection, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States.

''(h)(1) Notwithstanding any other provision of law, legal representation may not be furnished by the Department of Justice to the Postal Service in any action, suit, or proceeding arising, in whole or in part, under any of the following:

''(A) Subsection (d) or (e) of this section.

''(B) Subsection (f) or (g) of section 504 (relating to administrative subpoenas by the Postal Regulatory Commission).

''(C) Section 3663 (relating to appellate review).

The Postal Service may, by contract or otherwise, employ attorneys to obtain any legal representation that it is precluded from obtaining from the Department of Justice under this paragraph.

''(2) In any circumstance not covered by paragraph (1), the Department of Justice shall, under section 411, furnish the Postal Service such legal representation as it may require, except that, with the prior consent of the Attorney General, the Postal Service may, in any such circumstance, employ attorneys by contract or otherwise to conduct litigation brought by or against the Postal Service or its officers or employees in matters affecting the Postal Service.

''(3)(A) In any action, suit, or proceeding in a court of the United States arising in whole or in part under any of the provisions of law referred to in subparagraph (B) or (C) of paragraph (1), and to which the Commission is not otherwise a party, the Commission shall be permitted to appear as a party on its own motion and as of right.

''(B) The Department of Justice shall, under such terms and conditions as the Commission and the Attorney General shall consider appropriate, furnish the Commission such legal representation as it may require in connection with any such action, suit, or proceeding, except that, with the prior consent of the Attorney General, the Commission may employ attorneys by contract or otherwise for that purpose.

''(i) A judgment against the Government of the United States arising out of activities of the Postal Service shall be paid by the Postal Service out of any funds available to the Postal Service, subject to the restriction specified in section 2011(g).''.

(b) TECHNICAL AMENDMENT.—Section 409(a) of title 39, United States Code, is amended by striking ''Except as provided in section 3628 of this title,'' and inserting ''Except as otherwise provided in this title,''.

SEC. 405. INTERNATIONAL POSTAL ARRANGEMENTS.

(a) IN GENERAL.—Section 407 of title 39, United States Code, is amended to read as follows:

''§ 407. International postal arrangements

''(a) It is the policy of the United States—

''(1) to promote and encourage communications between peoples by efficient operation of international postal services and other international delivery services for cultural, social, and economic purposes;

''(2) to promote and encourage unrestricted and undistorted competition in the provision of international postal services and other international delivery services, except where provision of such services by private companies may be prohibited by law of the United States;

''(3) to promote and encourage a clear distinction between governmental and operational responsibilities with respect to the provision of international postal services and other international delivery services by the Government of the United States and by intergovernmental organizations of which the United States is a member; and

''(4) to participate in multilateral and bilateral agreements with other countries to accomplish these objectives.

''(b)(1) The Secretary of State shall be responsible for formulation, coordination, and oversight of foreign policy related to international postal services and other international delivery services and shall have the power to conclude postal treaties, conventions, and amendments related to international postal services and other international delivery services, except that the Secretary may not conclude any treaty, convention, or other international agreement (including those regulating international postal services) if such treaty, convention, or agreement would, with respect to any competitive product, grant an undue or unreasonable preference to the Postal Service, a private provider of international postal or delivery services, or any other person.

''(2) In carrying out the responsibilities specified in paragraph (1), the Secretary of State shall exercise primary authority for the conduct of foreign policy with respect to international postal services and international delivery services, including the determination of United States positions and the conduct of United States participation in negotiations with foreign governments and international bodies. In exercising this authority, the Secretary—

''(A) shall coordinate with other agencies as appropriate, and in particular, shall give full consideration to the authority vested by law or Executive order in the Postal Regulatory Commission, the Department of Commerce, the Department of Transportation, and the Office of the United States Trade Representative in this area;

''(B) shall maintain continuing liaison with other executive branch agencies concerned with postal and delivery services;

''(C) shall maintain continuing liaison with the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives;

''(D) shall maintain appropriate liaison with both representatives of the Postal Service and representatives of users and private providers of international postal services and other international delivery services to keep informed of their interests and problems, and to provide such assistance as may be needed to ensure that matters of concern are promptly considered by the Department of State or (if applicable, and to the extent practicable) other executive branch agencies; and

''(E) shall assist in arranging meetings of such public sector advisory groups as may be established to advise the Department of State and other executive branch agencies in connection with international postal services and international delivery services.

''(3) The Secretary of State shall establish an advisory committee (within the meaning of the Federal Advisory Committee Act) to perform such functions as the Secretary considers appropriate in connection with carrying out subparagraphs (A) through (D) of paragraph (2).

''(c)(1) Before concluding any treaty, convention, or amendment that establishes a rate or classification for a product subject to subchapter I of chapter 36, the Secretary of

State shall request the Postal Regulatory Commission to submit its views on whether such rate or classification is consistent with the standards and criteria established by the Commission under section 3622.

''(2) The Secretary shall ensure that each treaty, convention, or amendment concluded under subsection (b) is consistent with the views submitted by the Commission pursuant to paragraph (1), except if, or to the extent, the Secretary determines, in writing, that it is not in the foreign policy or national security interest of the United States to ensure consistency with the Commission's views. Such written determination shall be provided to the Commission together with a full explanation of the reasons thereof, provided that the Secretary may designate which portions of the determination or explanation shall be kept confidential for reasons of foreign policy or national security.

''(d) Nothing in this section shall be considered to prevent the Postal Service from entering into such commercial or operational contracts related to providing international postal services and other international delivery services as it deems appropriate, except that—

''(1) any such contract made with an agency of a foreign government (whether under authority of this subsection or otherwise) shall be solely contractual in nature and may not purport to be international law; and

''(2) a copy of each such contract between the Postal Service and an agency of a foreign government shall be transmitted to the Secretary of State and the Postal Regulatory Commission not later than the effective date of such contract.

''(e)(1) In this subsection, the term 'private company' means a private company substantially owned or controlled by persons who are citizens of the United States.

''(2) With respect to shipments of international mail that are competitive products within the meaning of section 3631 that are exported or imported by the Postal Service, the Customs Service and other appropriate Federal agencies shall apply the customs laws of the United States and all other laws relating to the importation or exportation of such shipments in the same manner to both shipments by the Postal Service and similar shipments by private companies.

''(3) In exercising the authority under subsection (b) to conclude new postal treaties and conventions related to international postal services and to renegotiate such treaties and conventions, the Secretary of State shall, to the maximum extent practicable, take such measures as are within the Secretary's control to encourage the governments of other countries to make available to the Postal Service and private companies a range of nondiscriminatory customs procedures that will fully meet the needs of all types of American shippers. The Secretary of State shall consult with the United States Trade Representative and the Commissioner of Customs in carrying out this paragraph.

''(4) The provisions of this subsection shall take effect 6 months after the date of enactment of this subsection or such earlier date as the Bureau of Customs and Border Protection of the Department of Homeland Security may determine in writing.''.

(b) EFFECTIVE DATE.—Notwithstanding any provision of the amendment made by subsection (a), the authority of the United States Postal Service to establish the rates of postage or other charges on mail matter conveyed between the United States and other countries shall remain available to the Postal Service until—

(1) with respect to market-dominant products, the date as of which the regulations promulgated under section 3622 of title 39, United States Code (as amended by section 201(a)) take effect; and

(2) with respect to competitive products, the date as of which the regulations promulgated under section 3633 of title 39, United States Code (as amended by section 202) take effect.

TITLE V—GENERAL PROVISIONS

SEC. 501. QUALIFICATION AND TERM REQUIREMENTS FOR GOVERNORS.

(a) QUALIFICATIONS.—

(1) IN GENERAL.—Section 202(a) of title 39, United States Code, is amended by striking ''(a)'' and inserting ''(a)(1)'' and by striking the fourth sentence and inserting the following: ''The Governors shall represent the public interest generally, and shall be chosen solely on the basis of their experience in the field of public service, law or accounting or on their demonstrated ability in managing organizations or corporations (in either the public or private sector) of substantial size; except that at least 4 of the Governors shall be chosen solely on the basis of their demonstrated ability in managing organizations or corporations (in either the public or private sector) that employ at least 50,000 employees. The Governors shall not be representatives of specific interests using the Postal Service, and may be removed only for cause.''.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall not affect the appointment or tenure of any person serving as a Governor of the United States Postal Service under an appointment made before the date of enactment of this Act however, when any such office becomes vacant, the appointment of any person to fill that office shall be made in accordance with such amendment. The requirement set forth in the fourth sentence of section 202(a)(1) of title 39, United States Code (as amended by subsection (a)) shall be met beginning not later than 9 years after the date of enactment of this Act.

(b) CONSULTATION REQUIREMENT.—Section 202(a) of title 39, United States Code, is amended by adding at the end the following:

''(2) In selecting the individuals described in paragraph (1) for nomination for appointment to the position of Governor, the President should consult with the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate.''.

(c) 7-YEAR TERMS.—

(1) IN GENERAL.—Section 202(b) of title 39, United States code, is amended in the first sentence by striking ''9 years'' and inserting ''7 years''.

(2) APPLICABILITY.—

(A) CONTINUATION BY INCUMBENTS.—The amendment made by paragraph (1) shall not affect the tenure of any person serving as a Governor of the United States Postal Service on the date of enactment of this Act and such person may continue to serve the remainder of the applicable term.

(B) VACANCY BY INCUMBENT BEFORE 7 YEARS OF SERVICE.—If a person who is serving as a Governor of the United States Postal Service on the date of enactment of this Act resigns, is removed, or dies before the expiration of the 9-year term of that Governor, and that Governor has served less than 7 years of that term, the resulting vacancy in office shall be treated as a vacancy in a 7-year term.

(C) VACANCY BY INCUMBENT AFTER 7 YEARS OF SERVICE.—If a person who is serving as a Governor of the United States Postal Service on the date of enactment of this Act resigns, is removed, or dies before the expiration of the 9-year term of that Governor, and that Governor has served 7 years or more of that term, that term shall be deemed to have been a 7-year term beginning on its commencement date for purposes of determining vacancies in office. Any appointment to the vacant office shall be for a 7-year term beginning at the end of the original 9-year term determined without regard to the deeming under the preceding sentence. Nothing in this subparagraph shall be construed to affect any action or authority of any Governor or the Board of Governors during any portion of a 9-year term deemed to be 7-year term under this subparagraph.

(d) TERM LIMITATION.—

(1) IN GENERAL.—Section 202(b) of title 39, United States Code, is amended—

(A) by inserting ''(1)'' after ''(b)''; and

(B) by adding at the end the following:

''(2) No person may serve more than 2 terms as a Governor.''.

(2) APPLICABILITY.—The amendments made by paragraph (1) shall not affect the tenure of any person serving as a Governor of the United States Postal Service on the date of enactment of this Act with respect to the term which that person is serving on that date. Such person may continue to serve the remainder of the applicable term, after which the amendments made by paragraph (1) shall apply.

SEC. 502. OBLIGATIONS.

(a) PURPOSES FOR WHICH OBLIGATIONS MAY BE ISSUED.—The first sentence of section 2005(a)(1) of title 39, United States Code, is amended by striking ''title.'' and inserting ''title, other than any of the purposes for which the corresponding authority is available to the Postal Service under section 2011.''.

(b) LIMITATION ON NET ANNUAL INCREASE IN OBLIGATIONS ISSUED FOR CERTAIN PURPOSES.—The third sentence of section 2005(a)(1) of title 39, United States Code, is amended to read as follows: ''In any one fiscal year, the net increase in the amount of obligations outstanding issued for the purpose of capital improvements and the net increase in the amount of obligations outstanding issued for the purpose of defraying operating expenses of the Postal Service shall not exceed a combined total of $3,000,000,000.'' .

(c) LIMITATIONS ON OBLIGATIONS OUTSTANDING.—

(1) IN GENERAL.—Subsection (a) of section 2005 of title 39, United States Code, is amended by adding at the end the following:

''(3) For purposes of applying the respective limitations under this subsection, the aggregate amount of obligations issued by the Postal Service which are outstanding as of any one time, and the net increase in the amount of obligations outstanding issued by the Postal Service for the purpose of capital improvements or for the purpose of defraying operating expenses of the Postal Service in any fiscal year, shall be determined by aggregating the relevant obligations issued by the Postal Service under this section with the relevant obligations issued by the Postal Service under section 2011.''.

(2) CONFORMING AMENDMENT.—The second sentence of section 2005(a)(1) of title 39, United States Code, is amended by striking ''any such obligations'' and inserting ''obligations issued by the Postal Service which may be''.

(d) AMOUNTS WHICH MAY BE PLEDGED.—

(1) OBLIGATIONS TO WHICH PROVISIONS APPLY.—The first sentence of section 2005(b) of title 39, United States Code, is amended by striking ''such obligations,'' and inserting ''obligations issued by the Postal Service under this section,''.

(2) ASSETS, REVENUES, AND RECEIPTS TO WHICH PROVISIONS APPLY.—Subsection (b) of section 2005 of title 39, United States Code, is amended by striking ''(b)'' and inserting ''(b)(1)'', and by adding at the end the following:

''(2) Notwithstanding any other provision of this section—

''(A) the authority to pledge assets of the Postal Service under this subsection shall be available only to the extent that such assets are not related to the provision of competitive products (as determined under section 2011(h) or, for purposes of any period before accounting practices and principles under section 2011(h) have been established and applied, the best information available from the Postal Service, including the audited statements required by section 2008(e)); and

''(B) any authority under this subsection relating to the pledging or other use of revenues or receipts of the Postal Service shall be available only to the extent that they are not revenues or receipts of the Competitive Products Fund.''.

SEC. 503. PRIVATE CARRIAGE OF LETTERS.

(a) IN GENERAL.—Section 601 of title 39, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) A letter may also be carried out of the mails when—

''(1) the amount paid for the private carriage of the letter is at least the amount equal to 6 times the rate then currently charged for the 1st ounce of a single-piece first class letter;

''(2) the letter weighs at least 12½ ounces; or

''(3) such carriage is within the scope of services described by regulations of the United States Postal Service (including, in particular, sections 310.1 and 320.2–320.8 of title 39 of the Code of Federal Regulations, as in effect on July 1, 2005) that purport to permit private carriage by suspension of the operation of this section (as then in effect).

''(c) Any regulations necessary to carry out this section shall be promulgated by the Postal Regulatory Commission.''.

(b) EFFECTIVE DATE.—This section shall take effect on the date as of which the regulations promulgated under section 3633 of title 39, United States Code (as amended by section 202) take effect.

SEC. 504. RULEMAKING AUTHORITY.

Paragraph (2) of section 401 of title 39, United States Code, is amended to read as follows:

''(2) to adopt, amend, and repeal such rules and regulations, not inconsistent with this title, as may be necessary in the execution of its functions under this title and such other functions as may be assigned to the Postal Service under any provisions of law outside of this title;''.

SEC. 505. NONINTERFERENCE WITH COLLECTIVE BARGAINING AGREEMENTS.

(a) LABOR DISPUTES.—Section 1207 of title 39, United States Code, is amended to read as follows:

''§ 1207. Labor disputes

''(a) If there is a collective-bargaining agreement in effect, no party to such agreement shall terminate or modify such agreement unless the party desiring such termination or modification serves written notice upon the other party to the agreement of the proposed termination or modification not less than 90 days prior to the expiration date thereof, or not less than 90 days prior to the time it is proposed to make such termination or modification. The party serving such notice shall notify the Federal Mediation and Conciliation Service of the existence of a dispute within 45 days after such notice, if no agreement has been reached by that time.

''(b) If the parties fail to reach agreement or to adopt a procedure providing for a binding resolution of a dispute by the expiration date of the agreement in effect, or the date of the proposed termination or modification, the Director of the Federal Mediation and Conciliation Service shall within 10 days appoint a mediator of nationwide reputation and professional stature, and who is also a member of the National Academy of Arbitrators. The parties shall cooperate with the mediator in an effort to reach an agreement and shall meet and negotiate in good faith at such times and places that the mediator, in consultation with the parties, shall direct.

''(c)(1) If no agreement is reached within 60 days after the expiration or termination of the agreement or the date on which the agreement became subject to modification under subsection (a) of this section, or if the parties decide upon arbitration but do not agree upon the procedures therefore, an arbitration board shall be established consisting of 3 members, 1 of whom shall be selected by the Postal Service, 1 by the bargaining representative of the employees, and the third by the 2 thus selected. If either of the parties fails to select a member, or if the members chosen by the parties fail to agree on the third person within 5 days after their first meeting, the selection shall be made from a list of names provided by the Director. This list shall consist of not less then 9 names of arbitrators of nationwide reputation and professional nature, who are also members of the National Academy of Arbitrators, and whom the Director has determined are available and willing to serve.

''(2) The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims, and an opportunity to present their case in person, by counsel or by other representative as they may elect. Decisions of the arbitration board shall be conclusive and binding upon the parties. The arbitration board shall render its decision within 45 days after its appointment.

''(3) Costs of the arbitration board and mediation shall be shared equally by the Postal Service and the bargaining representative.

''(d) In the case of a bargaining unit whose recognized collective-bargaining representative does not have an agreement with the Postal Service, if the parties fail to reach the agreement within 90 days after the commencement of collective bargaining, a mediator shall be appointed in accordance with the terms in subsection (b) of this section, unless the parties have previously agreed to another procedure for a binding resolution of their differences. If the parties fail to reach agreement within 180 days after the commencement of collective bargaining, and if they have not agreed to another procedure for binding resolution, an arbitration board shall be established to provide conclusive and binding arbitration in accordance with the terms of subsection (c) of this section.''.

(b) NONINTERFERENCE WITH COLLECTIVE BARGAINING AGREEMENTS.—Except as otherwise provided by the amendment made by subsection (a), nothing in this Act shall restrict, expand, or otherwise affect any of the rights, privileges, or benefits of either employees of or labor organizations representing employees of the United States Postal Service under chapter 12 of title 39, United States Code, the National Labor Relations Act, any handbook or manual affecting employee labor relations within the United States Postal Service, or any collective bargaining agreement.

(c) FREE MAILING PRIVILEGES CONTINUE UNCHANGED.—Nothing in this Act or any amendment made by this Act shall affect any free mailing privileges accorded under section 3217 or sections 3403 through 3406 of title 39, United States Code.

SEC. 506. BONUS AUTHORITY.

Chapter 36 of title 39, United States Code, is amended by inserting after section 3685 the following:

''§ 3686. Bonus authority

''(a) IN GENERAL.—The Postal Service may establish 1 or more programs to provide bonuses or other rewards to officers and employees of the Postal Service in senior executive or equivalent positions to achieve the objectives of this chapter.

''(b) LIMITATION ON TOTAL COMPENSATION.—

''(1) IN GENERAL.—Under any such program, the Postal Service may award a bonus or other reward in excess of the limitation set forth in the last sentence of section 1003(a), if such program has been approved under paragraph (2). Any such award or bonus may not cause the total compensation of such officer or employee to exceed the total annual compensation payable to the Vice President under section 104 of title 3 as of the end of the calendar year in which the bonus or award is paid.

''(2) APPROVAL PROCESS.—If the Postal Service wishes to have the authority, under any program described in subsection (a), to award bonuses or other rewards in excess of the limitation set forth in the last sentence of section 1003(a)—

''(A) the Postal Service shall make an appropriate request to the Board of Governors of the Postal Service in such form and manner as the Board requires; and

''(B) the Board of Governors shall approve any such request if the Board certifies, for the annual appraisal period involved, that the performance appraisal system for affected officers and employees of the Postal Service (as designed and applied) makes meaningful distinctions based on relative performance.

''(3) REVOCATION AUTHORITY.—If the Board of Governors of the Postal Service finds that a performance appraisal system previously approved under paragraph (2)(B) does not (as designed and applied) make meaningful distinctions based on relative performance, the Board may revoke or suspend the authority of the Postal Service to continue a program approved under paragraph (2) until such time as appropriate corrective measures have, in the judgment of the Board, been taken.

''(c) EXCEPTIONS FOR CRITICAL POSITIONS.—Notwithstanding any other provision of law, the Board of Governors may allow up to 12 officers or employees of the Postal Service in critical senior executive or equivalent positions to receive total compensation in an amount not to exceed 120 percent of the total annual compensation payable to the Vice President under section 104 of title 3 as of the end of the calendar year in which such payment is received. For each exception made under this subsection, the Board shall provide written notification to the Director of the Office of Personnel Management and the Congress within 30 days after the payment is made setting forth the name of the officer or employee involved, the critical nature of his or her duties and responsibilities, and the basis for determining that such payment is warranted.

''(d) INFORMATION FOR INCLUSION IN COMPREHENSIVE STATEMENT.—Included in its comprehensive statement under section 2401(e) for any period shall be—

''(1) the name of each person receiving a bonus or other payment during such period which would not have been allowable but for the provisions of subsection (b) or (c);

''(2) the amount of the bonus or other payment; and

''(3) the amount by which the limitation set forth in the last sentence of section 1003(a) was exceeded as a result of such bonus or other payment.

''(e) REGULATIONS.—The Board of Governors may prescribe regulations for the administration of this section.''.

TITLE VI—ENHANCED REGULATORY COMMISSION

SEC. 601. REORGANIZATION AND MODIFICATION OF CERTAIN PROVISIONS RELATING TO THE POSTAL REGULATORY COMMISSION.

(a) TRANSFER AND REDESIGNATION.—Title 39, United States Code, is amended—

(1) by inserting after chapter 4 the following:

"CHAPTER 5—POSTAL REGULATORY COMMISSION

''Sec.
''501. Establishment.
''502. Commissioners.
''503. Rules; regulations; procedures.
''504. Administration.
''505. Officer of the Postal Regulatory Commission representing the general public.

"§ 501. Establishment

''The Postal Regulatory Commission is an independent establishment of the executive branch of the Government of the United States.

"§ 502. Commissioners

''(a) The Postal Regulatory Commission is composed of 5 Commissioners, appointed by the President, by and with the advice and consent of the Senate. The Commissioners shall be chosen solely on the basis of their technical qualifications, professional standing, and demonstrated expertise in economics, accounting, law, or public administration, and may be removed by the President only for cause. Each individual appointed to the Commission shall have the qualifications and expertise necessary to carry out the enhanced responsibilities accorded Commissioners under the Postal Accountability and Enhancement Act. Not more than 3 of the Commissioners may be adherents of the same political party.

''(b) No Commissioner shall be financially interested in any enterprise in the private sector of the economy engaged in the delivery of mail matter.

''(c) A Commissioner may continue to serve after the expiration of his term until his successor has qualified, except that a Commissioner may not so continue to serve for more than 1 year after the date upon which his term otherwise would expire under subsection (f).

''(d) One of the Commissioners shall be designated as Chairman by, and shall serve in the position of Chairman at the pleasure of, the President.

''(e) The Commissioners shall by majority vote designate a Vice Chairman of the Commission. The Vice Chairman shall act as Chairman of the Commission in the absence of the Chairman.

''(f) The Commissioners shall serve for terms of 6 years.'';

(2) by striking, in subchapter I of chapter 36 (as in effect before the amendment made by section 201(c)), the heading for such subchapter I and all that follows through section 3602;

(3) by redesignating sections 3603 and 3604 as sections 503 and 504, respectively, and transferring such sections to the end of chapter 5 (as inserted by paragraph (1)); and

(4) by adding after such section 504 the following:

"§ 505. Officer of the Postal Regulatory Commission representing the general public

''The Postal Regulatory Commission shall designate an officer of the Postal Regulatory Commission in all public proceedings (such as developing rules, regulations, and procedures) who shall represent the interests of the general public.''.

(b) APPLICABILITY.—The amendment made by subsection (a)(1) shall not affect the appointment or tenure of any person serving as a Commissioner on the Postal Regulatory Commission (as so redesignated by section 604) under an appointment made before the date of enactment of this Act or any nomination made before that date, but, when any such office becomes vacant, the appointment of any person to fill that office shall be made in accordance with such amendment.

(c) CLERICAL AMENDMENT.—The analysis for part I of title 39, United States Code, is amended by inserting after the item relating to chapter 4 the following:

"5. Postal Regulatory Commission .. 501"

SEC. 602. AUTHORITY FOR POSTAL REGULATORY COMMISSION TO ISSUE SUBPOENAS.

Section 504 of title 39, United States Code (as so redesignated by section 601) is amended by adding at the end the following:

''(f)(1) Any Commissioner of the Postal Regulatory Commission, any administrative law judge appointed by the Commission under section 3105 of title 5, and any employee of the Commission designated by the Commission may administer oaths, examine witnesses, take depositions, and receive evidence.

''(2) The Chairman of the Commission, any Commissioner designated by the Chairman, and any administrative law judge appointed by the Commission under section 3105 of title 5 may, with respect to any proceeding conducted by the Commission under this title or to obtain information to be used to prepare a report under this title—

''(A) issue subpoenas requiring the attendance and presentation of testimony by, or the production of documentary or other evidence in the possession of, any covered person; and

''(B) order the taking of depositions and responses to written interrogatories by a covered person.

The written concurrence of a majority of the Commissioners then holding office shall, with respect to each subpoena under subparagraph (A), be required in advance of its issuance.

''(3) In the case of contumacy or failure to obey a subpoena issued under this subsection, upon application by the Commission, the district court of the United States for the district in which the person to whom the subpoena is addressed resides or is served may issue an order requiring such person to appear at any designated place to testify or produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

''(4) For purposes of this subsection, the term 'covered person' means an officer, employee, agent, or contractor of the Postal Service.

''(g)(1) If the Postal Service determines that any document or other matter it provides to the Postal Regulatory Commission under a subpoena issued under subsection (f), or otherwise at the request of the Commission in connection with any proceeding or other purpose under this title, contains information which is described in section 410(c) of this title, or exempt from public disclosure under section 552(b) of title 5, the Postal Service shall, at the time of providing such matter to the Commission, notify the Commission, in writing, of its determination (and the reasons therefor).

''(2) Except as provided in paragraph (3), no officer or employee of the Commission may, with respect to any information as to which the Commission has been notified under paragraph (1)—

''(A) use such information for purposes other than the purposes for which it is supplied; or

''(B) permit anyone who is not an officer or employee of the Commission to have access to any such information.

''(3)(A) Paragraph (2) shall not prohibit the Commission from publicly disclosing relevant information in furtherance of its duties under this title, provided that the Commission has adopted regulations under section 553 of title 5, that establish a procedure for according appropriate confidentiality to information identified by the Postal Service under paragraph (1). In determining the appropriate degree of confidentiality to be accorded information identified by the Postal Service under paragraph (1), the Commission shall balance the nature and extent of the likely commercial injury to the Postal Service against the public interest in maintaining the financial transparency of a government establishment competing in commercial markets.

''(B) Paragraph (2) shall not prevent the Commission from requiring production of information in the course of any discovery procedure established in connection with a proceeding under this title. The Commission shall, by regulations based on rule 26(c) of the Federal Rules of Civil Procedure, establish procedures for ensuring appropriate confidentiality for information furnished to any party.''.

SEC. 603. AUTHORIZATION OF APPROPRIATIONS FROM THE POSTAL SERVICE FUND.

(a) POSTAL REGULATORY COMMISSION.—Subsection (d) of section 504 of title 39, United States Code (as so redesignated by section 601) is amended to read as follows:

''(d) There are authorized to be appropriated, out of the Postal Service Fund, such sums as may be necessary for the Postal Regulatory Commission. In requesting an appropriation under this subsection for a fiscal year, the Commission shall prepare and submit to the Congress under section 2009 a budget of the Commission's expenses, including expenses for facilities, supplies, compensation, and employee benefits.''.

(b) OFFICE OF INSPECTOR GENERAL OF THE UNITED STATES POSTAL SERVICE.—Section 8G(f) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by redesignating paragraph (4) as paragraph (5);

(2) by redesignating the second paragraph (3) (relating to employees and labor organizations) as paragraph (4); and

(3) by adding at the end the following:

''(6) There are authorized to be appropriated, out of the Postal Service Fund, such sums as may be necessary for the Office of Inspector General of the United States Postal Service.''.

(c) BUDGET PROGRAM.—

(1) IN GENERAL.—The next to last sentence of section 2009 of title 39, United States Code, is amended to read as follows: ''The budget program shall also include separate statements of the amounts which (1) the Postal Service requests to be appropriated under subsections (b) and (c) of section 2401, (2) the Office of Inspector General of the United States Postal Service requests to be appropriated, out of the Postal Service Fund, under section 8G(f) of the Inspector General Act of 1978, and (3) the Postal Regulatory Commission requests to be appropriated, out of the Postal Service Fund, under section 504(d) of this title.''.

(2) CONFORMING AMENDMENT.—Section 2003(e)(1) of title 39, United States Code, is amended by striking the first sentence and inserting the following: ''The Fund shall be available for the payment of (A) all expenses incurred by the Postal Service in carrying out its functions as provided by law, subject to the same limitation as set forth in the parenthetical matter under subsection (a); (B) all expenses of the Postal Regulatory Commission, subject to the availability of amounts appropriated under section 504(d); and (C) all expenses of the Office of Inspector

General, subject to the availability of amounts appropriated under section 8G(f) of the Inspector General Act of 1978.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to fiscal years beginning on or after October 1, 2008.

(2) SAVINGS PROVISION.—The provisions of title 39, United States Code, and the Inspector General Act of 1978 (5 U.S.C. App.) that are amended by this section shall, for purposes of any fiscal year before the first fiscal year to which the amendments made by this section apply, continue to apply in the same way as if this section had never been enacted.

SEC. 604. REDESIGNATION OF THE POSTAL RATE COMMISSION.

(a) AMENDMENTS TO TITLE 39, UNITED STATES CODE.—Title 39, United States Code, is amended in sections 404, 503 and 504 (as so redesignated by section 601), 1001 and 1002, by striking ''Postal Rate Commission'' each place it appears and inserting ''Postal Regulatory Commission'';

(b) AMENDMENTS TO TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended in sections 104(1), 306(f), 2104(b), 3371(3), 5314 (in the item relating to Chairman, Postal Rate Commission), 5315 (in the item relating to Members, Postal Rate Commission), 5514(a)(5)(B), 7342(a)(1)(A), 7511(a)(1)(B)(ii), 8402(c)(1), 8423(b)(1)(B), and 8474(c)(4) by striking ''Postal Rate Commission'' and inserting ''Postal Regulatory Commission''.

(c) AMENDMENT TO THE ETHICS IN GOVERNMENT ACT OF 1978.—Section 101(f)(6) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking ''Postal Rate Commission'' and inserting ''Postal Regulatory Commission''.

(d) AMENDMENT TO THE REHABILITATION ACT OF 1973.—Section 501(b) of the Rehabilitation Act of 1973 (29 U.S.C. 791(b)) is amended by striking ''Postal Rate Office'' and inserting ''Postal Regulatory Commission''.

(e) AMENDMENT TO TITLE 44, UNITED STATES CODE.—Section 3502(5) of title 44, United States Code, is amended by striking ''Postal Rate Commission'' and inserting ''Postal Regulatory Commission''.

(f) OTHER REFERENCES.—Whenever a reference is made in any provision of law (other than this Act or a provision of law amended by this Act), regulation, rule, document, or other record of the United States to the Postal Rate Commission, such reference shall be considered a reference to the Postal Regulatory Commission.

SEC. 605. INSPECTOR GENERAL OF THE POSTAL REGULATORY COMMISSION.

(a) IN GENERAL.—Section 8G(a)(2) of the Inspector General Act of 1978 is amended by inserting ''the Postal Regulatory Commission,'' after ''the United States International Trade Commission,''.

(b) ADMINISTRATION.—Section 504 of title 39, United States Code (as so redesignated by section 601) is amended by adding after subsection (g) (as added by section 602) the following:

''(h)(1) Notwithstanding any other provision of this title or of the Inspector General Act of 1978, the authority to select, appoint, and employ officers and employees of the Office of Inspector General of the Postal Regulatory Commission, and to obtain any temporary or intermittent services of experts or consultants (or an organization of experts or consultants) for such Office, shall reside with the Inspector General of the Postal Regulatory Commission.

''(2) Except as provided in paragraph (1), any exercise of authority under this subsection shall, to the extent practicable, be in conformance with the applicable laws and regulations that govern selections, appointments, and employment, and the obtaining of any such temporary or intermittent services, within the Postal Regulatory Commission.''.

(c) DEADLINE.—No later than 180 days after the date of the enactment of this Act—

(1) the first Inspector General of the Postal Regulatory Commission shall be appointed; and

(2) the Office of Inspector General of the Postal Regulatory Commission shall be established.

TITLE VII—EVALUATIONS

SEC. 701. ASSESSMENTS OF RATEMAKING, CLASSIFICATION, AND OTHER PROVISIONS.

(a) IN GENERAL.—The Postal Regulatory Commission shall, at least every 5 years, submit a report to the President and Congress concerning—

(1) the operation of the amendments made by this Act; and

(2) recommendations for any legislation or other measures necessary to improve the effectiveness or efficiency of the postal laws of the United States.

(b) POSTAL SERVICE VIEWS.—A report under this section shall be submitted only after reasonable opportunity has been afforded to the Postal Service to review the report and to submit written comments on the report. Any comments timely received from the Postal Service under the preceding sentence shall be attached to the report submitted under subsection (a).

SEC. 702. REPORT ON UNIVERSAL POSTAL SERVICE AND THE POSTAL MONOPOLY.

(a) REPORT BY THE POSTAL REGULATORY COMMISSION.—

(1) IN GENERAL.—Not later than 24 months after the date of enactment of this Act, the Postal Regulatory Commission shall submit a report to the President and Congress on universal postal service and the postal monopoly in the United States (in this section referred to as ''universal service and the postal monopoly''), including the monopoly on the delivery of mail and on access to mailboxes.

(2) CONTENTS.—The report under this subsection shall include—

(A) a comprehensive review of the history and development of universal service and the postal monopoly, including how the scope and standards of universal service and the postal monopoly have evolved over time for the Nation and its urban and rural areas;

(B) the scope and standards of universal service and the postal monopoly provided under current law (including sections 101 and 403 of title 39, United States Code), and current rules, regulations, policy statements, and practices of the Postal Service;

(C) a description of any geographic areas, populations, communities (including both urban and rural communities), organizations, or other groups or entities not currently covered by universal service or that are covered but that are receiving services deficient in scope or quality or both; and

(D) the scope and standards of universal service and the postal monopoly likely to be required in the future in order to meet the needs and expectations of the United States public, including all types of mail users, based on discussion of such assumptions, alternative sets of assumptions, and analyses as the Postal Service considers plausible.

(b) RECOMMENDED CHANGES TO UNIVERSAL SERVICE AND THE MONOPOLY.—The Postal Regulatory Commission shall include in the report under subsection (a), and in all reports submitted under section 701 of this Act—

(1) any recommended changes to universal service and the postal monopoly as the Commission considers appropriate, including changes that the Commission may implement under current law and changes that would require changes to current law, with estimated effects of the recommendations on the service, financial condition, rates, and security of mail provided by the Postal Service;

(2) with respect to each recommended change described under paragraph (1)—

(A) an estimate of the costs of the Postal Service attributable to the obligation to provide universal service under current law; and

(B) an analysis of the likely benefit of the current postal monopoly to the ability of the Postal Service to sustain the current scope and standards of universal service, including estimates of the financial benefit of the postal monopoly to the extent practicable, under current law; and

(3) such additional topics and recommendations as the Commission considers appropriate, with estimated effects of the recommendations on the service, financial condition, rates, and the security of mail provided by the Postal Service.

(c) CONSULTATION.—In preparing the report required by this section, the Postal Regulatory Commission—

(1) shall solicit written comments from the Postal Service and consult with the Postal Service and other Federal agencies, users of the mails, enterprises in the private sector engaged in the delivery of the mail, and the general public; and

(2) shall address in the report any written comments received under this section.

(d) CLARIFYING PROVISION.—Nothing in this section shall be considered to relate to any services that are not postal services within the meaning of section 102 of title 39, United States Code, as amended by section 101 of this Act.

SEC. 703. STUDY ON EQUAL APPLICATION OF LAWS TO COMPETITIVE PRODUCTS.

(a) IN GENERAL.—The Federal Trade Commission shall prepare and submit to the President and Congress, and to the Postal Regulatory Commission, within 1 year after the date of enactment of this Act, a comprehensive report identifying Federal and State laws that apply differently to the United States Postal Service with respect to the competitive category of mail (within the meaning of section 102 of title 39, United States Code, as amended by section 101) and to private companies providing similar products.

(b) RECOMMENDATIONS.—The Federal Trade Commission shall include such recommendations as it considers appropriate for bringing such legal differences to an end, and in the interim, to account under section 3633 of title 39, United States Code (as added by this Act), for the net economic effects provided by those laws.

(c) CONSULTATION.—In preparing its report, the Federal Trade Commission shall consult with the United States Postal Service, the Postal Regulatory Commission, other Federal agencies, mailers, private companies that provide delivery services, and the general public, and shall append to such report any written comments received under this subsection.

(d) COMPETITIVE PRODUCT REGULATION.—The Postal Regulatory Commission shall take into account the recommendations of the Federal Trade Commission, and subsequent events that affect the continuing validity of the estimate of the net economic effect, in promulgating or revising the regulations required under section 3633 of title 39, United States Code.

SEC. 704. REPORT ON POSTAL WORKPLACE SAFETY AND WORKPLACE-RELATED INJURIES.

(a) REPORT BY THE INSPECTOR GENERAL.—

(1) IN GENERAL.—Not later than 6 months after the enactment of this Act, the Inspector General of the United States Postal Service shall submit a report to Congress and the Postal Service that—

(A) details and assesses any progress the Postal Service has made in improving workplace safety and reducing workplace-related injuries nationwide; and

(B) identifies opportunities for improvement that remain with respect to such improvements and reductions.

(2) CONTENTS.—The report under this subsection shall also—

(A) discuss any injury reduction goals established by the Postal Service;

(B) describe the actions that the Postal Service has taken to improve workplace safety and reduce workplace-related injuries, and assess how successful the Postal Service has been in meeting its injury reduction goal; and

(C) identify areas where the Postal Service has failed to meet its injury reduction goals, explain the reasons why these goals were not met, and identify opportunities for making further progress in meeting these goals.

(b) REPORT BY THE POSTAL SERVICE.—

(1) REPORT TO CONGRESS.—Not later than 6 months after receiving the report under subsection (a), the Postal Service shall submit a report to Congress detailing how it plans to improve workplace safety and reduce workplace-related injuries nationwide, including goals and metrics.

(2) PROBLEM AREAS.—The report under this subsection shall also include plans, developed in consultation with the Inspector General and employee representatives, including representatives of each postal labor union and management association, for addressing the problem areas identified by the Inspector General in the report under subsection (a)(2)(C).

SEC. 705. STUDY ON RECYCLED PAPER.

(a) IN GENERAL.—Within 12 months after the date of enactment of this Act, the Government Accountability Office shall study and submit to the Congress, the Board of Governors of the Postal Service, and to the Postal Regulatory Commission a report concerning—

(1) a description and analysis of the accomplishments of the Postal Service in each of the preceding 5 years involving recycling activities, including efforts by the Postal Service to recycle undeliverable and discarded mail and other materials and its public affairs efforts to promote the increased recycling of paper products; and

(2) additional opportunities that may be available for the United States Postal Service to engage in recycling initiatives, including consultation with the paper recycling industry and encouraging mailers to increase both the recycling of paper products and the use of recycled paper, and the projected costs and revenues of undertaking such opportunities.

(b) RECOMMENDATIONS.—The report shall include recommendations for any administrative or legislative actions that may be appropriate.

SEC. 706. GREATER DIVERSITY IN POSTAL SERVICE EXECUTIVE AND ADMINISTRATIVE SCHEDULE MANAGEMENT POSITIONS.

(a) IN GENERAL.—The Board of Governors shall study and, within 1 year after the date of the enactment of this Act, submit to the President and Congress a report concerning the extent to which women and minorities are represented in supervisory and management positions within the United States Postal Service. Any data included in the report shall be presented in the aggregate and by pay level.

(b) PERFORMANCE EVALUATIONS.—The United States Postal Service shall, as soon as is practicable, take such measures as may be necessary to incorporate the affirmative action and equal opportunity criteria contained in 4313(5) of title 5, United States Code, into the performance appraisals of senior supervisory or managerial employees.

SEC. 707. CONTRACTS WITH WOMEN, MINORITIES, AND SMALL BUSINESSES.

The Board of Governors shall study and, within 1 year after the date of the enactment of this Act, submit to the President and the Congress a report concerning the number and value of contracts and subcontracts the Postal Service has entered into with women, minorities, and small businesses.

SEC. 708. RATES FOR PERIODICALS.

(a) IN GENERAL.—The United States Postal Service, acting jointly with the Postal Regulatory Commission, shall study and submit to the President and Congress a report concerning—

(1) the quality, accuracy, and completeness of the information used by the Postal Service in determining the direct and indirect postal costs attributable to periodicals; and

(2) any opportunities that might exist for improving efficiencies in the collection, handling, transportation, or delivery of periodicals by the Postal Service, including any pricing incentives for mailers that might be appropriate.

(b) RECOMMENDATIONS.—The report shall include recommendations for any administrative action or legislation that might be appropriate.

SEC. 709. ASSESSMENT OF CERTAIN RATE DEFICIENCIES.

(a) IN GENERAL.—Within 12 months after the date of the enactment of this Act, the Office of Inspector General of the United States Postal Service shall study and submit to the President, the Congress, and the United States Postal Service, a report concerning the administration of section 3626(k) of title 39, United States Code.

(b) SPECIFIC REQUIREMENTS.—The study and report shall specifically address the adequacy and fairness of the process by which assessments under section 3626(k) of title 39, United States Code, are determined and appealable, including—

(1) whether the Postal Regulatory Commission or any other body outside the Postal Service should be assigned a role; and

(2) whether a statute of limitations should be established for the commencement of proceedings by the Postal Service thereunder.

SEC. 710. ASSESSMENT OF FUTURE BUSINESS MODEL OF THE POSTAL SERVICE.

(a) GOVERNMENT ACCOUNTABILITY OFFICE MANDATE.—The Comptroller General of the United States shall prepare and submit to the President and Congress a report that builds upon the work of the 2002 President's Commission on the United States Postal Service by evaluating in-depth various options and strategies for the long-term structural and operational reforms of the United States Postal Service. The final report required by this section shall be submitted within 5 years of the date of enactment of this Act.

(b) PROTECTION OF UNIVERSAL SERVICE.—The Government Accountability Office may include such recommendations as it considers appropriate with respect to how the Postal Service's business model can be maintained or transformed in an orderly manner that will minimize adverse effects on all interested parties and assure continued availability of affordable, universal postal service throughout the United States. The Government Accountability Office shall not consider any strategy or other course of action that would pose a significant risk to the continued availability of affordable, universal postal service throughout the United States.

(c) ELEMENTS OF REPORT.—

(1) TOPICS TO ADDRESS.—The report shall address at least the following:

(A) Specification of nature and bases of one or more sets of reasonable assumptions about the development of the postal services market, to the extent that such assumptions may be necessary or appropriate for each strategy identified by the Government Accountability Office.

(B) Specification of the nature and bases of one or more sets of reasonable assumptions about the development of the regulatory framework for postal services, to the extent that such assumptions may be necessary or appropriate for each strategy identified by the Government Accountability Office.

(C) Qualitative and, to the extent possible, quantitative effects that each strategy identified by the Government Accountability Office may have on universal service generally, the Postal Service, mailers, postal employees, private companies that provide delivery services, and the general public.

(D) Financial effects that each strategy identified by the Government Accountability Office may have on the Postal Service, postal employees, the Treasury of the United States, and other affected parties, including the American mailing consumer.

(E) Feasible and appropriate procedural steps and timetables for implementing each strategy identified by the Government Accountability Office.

(F) Such additional topics as the Comptroller General shall consider necessary and appropriate.

(2) MATTERS TO CONSIDER.—For each strategy identified, the Government Accountability Office shall assess how each business model might—

(A) address the human-capital challenges facing the Postal Service, including how employee-management relations within the Postal Service may be improved;

(B) optimize the postal infrastructure, including the best methods for providing retail services that ensure convenience and access to customers;

(C) ensure the safety and security of the mail and of postal employees;

(D) minimize areas of inefficiency or waste and improve operations involved in the collection, processing, or delivery of mail; and

(E) impact other matters that the Comptroller General determines are relevant to evaluating a viable long-term business model for the Postal Service.

(3) EXPERIENCES OF OTHER COUNTRIES.—In preparing the report required by subsection (a), the Government Accountability Office shall comprehensively and quantitatively investigate the experiences of other industrialized countries that have transformed the national post office. The Government Accountability Office shall undertake such original research as it deems necessary. In each case, the Government Accountability Office shall describe as fully as possible the costs and benefits of transformation of the national post office on all affected parties and shall identify any lessons that foreign experience may imply for each strategy identified by the research organization.

(d) OUTSIDE EXPERTS.—In preparing its study, the Government Accountability Office may retain the services of additional experts and consultants.

(e) CONSULTATION.—In preparing its report, the Government Accountability Office shall consult fully with the Postal Service, the Postal Regulatory Commission, other Federal agencies, postal employee unions and management associations, mailers, private companies that provide delivery services, and the general public. The Government Accountability Office shall include with its

final report a copy of all formal written comments received under this subsection.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Postal Service Fund such sums as may be necessary to carry out this section.

SEC. 711. PROVISIONS RELATING TO COOPERATIVE MAILINGS.

(a) STUDY.—

(1) IN GENERAL.—The Postal Regulatory Commission shall examine section E670.5.3 of the Domestic Mail Manual to determine whether it contains adequate safeguards to protect against—

(A) abuses of rates for nonprofit mail; and

(B) deception of consumers.

(2) REPORT.—The Commission shall report the results of its examination to the Postal Service, along with any recommendations that the Commission determines appropriate.

(b) FAILURE TO ACT.—If the Postal Service fails to act on the recommendations of the Commission, the Commission may take such action as it determines necessary to prevent abuse of rates or deception of consumers.

SEC. 712. DEFINITION.

For purposes of this title, the term ''Board of Governors'' has the meaning given such term by section 102 of title 39, United States Code.

TITLE VIII—POSTAL SERVICE RETIREMENT AND HEALTH BENEFITS FUNDING

SEC. 801. SHORT TITLE.

This title may be cited as the ''Postal Civil Service Retirement and Health Benefits Funding Amendments of 2006''.

SEC. 802. CIVIL SERVICE RETIREMENT SYSTEM.

(a) IN GENERAL.—Chapter 83 of title 5, United States Code, is amended—

(1) in section 8334(a)(1)(B), by striking clause (ii) and inserting the following:

''(ii) In the case of an employee of the United States Postal Service, no amount shall be contributed under this subparagraph.''; and

(2) by amending section 8348(h) to read as follows:

''(h)(1) In this subsection, the term 'Postal surplus or supplemental liability' means the estimated difference, as determined by the Office, between—

''(A) the actuarial present value of all future benefits payable from the Fund under this subchapter to current or former employees of the United States Postal Service and attributable to civilian employment with the United States Postal Service; and

''(B) the sum of—

''(i) the actuarial present value of deductions to be withheld from the future basic pay of employees of the United States Postal Service currently subject to this subchapter under section 8334;

''(ii) that portion of the Fund balance, as of the date the Postal surplus or supplemental liability is determined, attributable to payments to the Fund by the United States Postal Service and its employees, minus benefit payments attributable to civilian employment with the United States Postal Service, plus the earnings on such amounts while in the Fund; and

''(iii) any other appropriate amount, as determined by the Office in accordance with generally accepted actuarial practices and principles.

''(2)(A) Not later than June 15, 2007, the Office shall determine the Postal surplus or supplemental liability, as of September 30, 2006. If that result is a surplus, the amount of the surplus shall be transferred to the Postal Service Retiree Health Benefits Fund established under section 8909a by June 30, 2007.

''(B) The Office shall redetermine the Postal surplus or supplemental liability as of the close of the fiscal year, for each fiscal year beginning after September 30, 2007, through the fiscal year ending September 30, 2038. If the result is a surplus, that amount shall remain in the Fund until distribution is authorized under subparagraph (C). Beginning June 15, 2017, if the result is a supplemental liability, the Office shall establish an amortization schedule, including a series of annual installments commencing on September 30 of the subsequent fiscal year, which provides for the liquidation of such liability by September 30, 2043.

''(C) As of the close of the fiscal years ending September 30, 2015, 2025, 2035, and 2039, if the result is a surplus, that amount shall be transferred to the Postal Service Retiree Health Benefits Fund, and any prior amortization schedule for payments shall be terminated.

''(D) Amortization schedules established under this paragraph shall be set in accordance with generally accepted actuarial practices and principles, with interest computed at the rate used in the most recent valuation of the Civil Service Retirement System.

''(E) The United States Postal Service shall pay the amounts so determined to the Office, with payments due not later than the date scheduled by the Office.

''(3) Notwithstanding any other provision of law, in computing the amount of any payment under any other subsection of this section that is based upon the amount of the unfunded liability, such payment shall be computed disregarding that portion of the unfunded liability that the Office determines will be liquidated by payments under this subsection.''.

(b) CREDIT ALLOWED FOR MILITARY SERVICE.—In the application of section 8348(g)(2) of title 5, United States Code, for the fiscal year 2007, the Office of Personnel Management shall include, in addition to the amount otherwise computed under that paragraph, the amounts that would have been included for the fiscal years 2003 through 2006 with respect to credit for military service of former employees of the United States Postal Service as though the Postal Civil Service Retirement System Funding Reform Act of 2003 (Public Law 108–18) had not been enacted, and the Secretary of the Treasury shall make the required transfer to the Civil Service Retirement and Disability Fund based on that amount.

(c) REVIEW.—

(1) IN GENERAL.—

(A) REQUEST FOR REVIEW.—Notwithstanding any other provision of this section (including any amendment made by this section), any determination or redetermination made by the Office of Personnel Management under this section (including any amendment made by this section) shall, upon request of the United States Postal Service, be subject to a review by the Postal Regulatory Commission under this subsection.

(B) REPORT.—Upon receiving a request under subparagraph (A), the Commission shall promptly procure the services of an actuary, who shall hold membership in the American Academy of Actuaries and shall be qualified in the evaluation of pension obligations, to conduct a review in accordance with generally accepted actuarial practices and principles and to provide a report to the Commission containing the results of the review. The Commission, upon determining that the report satisfies the requirements of this paragraph, shall approve the report, with any comments it may choose to make, and submit it with any such comments to the Postal Service, the Office of Personnel Management, and Congress.

(2) RECONSIDERATION.—Upon receiving the report from the Commission under paragraph (1), the Office of Personnel Management shall reconsider its determination or redetermination in light of such report, and shall make any appropriate adjustments. The Office shall submit a report containing the results of its reconsideration to the Commission, the Postal Service, and Congress.

SEC. 803. HEALTH INSURANCE.

(a) IN GENERAL.—

(1) FUNDING.—Chapter 89 of title 5, United States Code, is amended—

(A) in section 8906(g)(2)(A), by striking ''shall be paid by the United States Postal Service.'' and inserting ''shall through September 30, 2016, be paid by the United States Postal Service, and thereafter shall be paid first from the Postal Service Retiree Health Benefits Fund up to the amount contained in the Fund, with any remaining amount paid by the United States Postal Service.''; and

(B) by inserting after section 8909 the following:

''§ 8909a. Postal Service Retiree Health Benefit Fund

''(a) There is in the Treasury of the United States a Postal Service Retiree Health Benefits Fund which is administered by the Office of Personnel Management.

''(b) The Fund is available without fiscal year limitation for payments required under section 8906(g)(2)(A).

''(c) The Secretary of the Treasury shall immediately invest, in interest-bearing securities of the United States such currently available portions of the Fund as are not immediately required for payments from the Fund. Such investments shall be made in the same manner as investments for the Civil Service Retirement and Disability Fund under section 8348.

''(d)(1) Not later than June 30, 2007, and by June 30 of each succeeding year, the Office shall compute the net present value of the future payments required under section 8906(g)(2)(A) and attributable to the service of Postal Service employees during the most recently ended fiscal year.

''(2)(A) Not later than June 30, 2007, the Office shall compute, and by June 30 of each succeeding year, the Office shall recompute the difference between—

''(i) the net present value of the excess of future payments required under section 8906(g)(2)(A) for current and future United States Postal Service annuitants as of the end of the fiscal year ending on September 30 of that year; and

''(ii)(I) the value of the assets of the Postal Retiree Health Benefits Fund as of the end of the fiscal year ending on September 30 of that year; and

''(II) the net present value computed under paragraph (1).

''(B) Not later than June 30, 2017, the Office shall compute, and by June 30 of each succeeding year shall recompute, a schedule including a series of annual installments which provide for the liquidation of any liability or surplus by September 30, 2056, or within 15 years, whichever is later, of the net present value determined under subparagraph (A), including interest at the rate used in that computation.

''(3)(A) The United States Postal Service shall pay into such Fund—

''(i) $5,400,000,000, not later than September 30, 2007;

''(ii) $5,600,000,000, not later than September 30, 2008;

''(iii) $5,400,000,000, not later than September 30, 2009;

''(iv) $5,500,000,000, not later than September 30, 2010;

''(v) $5,500,000,000, not later than September 30, 2011;

''(vi) $5,600,000,000, not later than September 30, 2012;

''(vii) $5,600,000,000, not later than September 30, 2013;

''(viii) $5,700,000,000, not later than September 30, 2014;

''(ix) $5,700,000,000, not later than September 30, 2015; and

''(x) $5,800,000,000, not later than September 30, 2016.

''(B) Not later than September 30, 2017, and by September 30 of each succeeding year, the United States Postal Service shall pay into such Fund the sum of—

''(i) the net present value computed under paragraph (1); and

''(ii) any annual installment computed under paragraph (2)(B).

''(4) Computations under this subsection shall be made consistent with the assumptions and methodology used by the Office for financial reporting under subchapter II of chapter 35 of title 31.

''(5)(A)(i) Any computation or other determination of the Office under this subsection shall, upon request of the United States Postal Service, be subject to a review by the Postal Regulatory Commission under this paragraph.

''(ii) Upon receiving a request under clause (i), the Commission shall promptly procure the services of an actuary, who shall hold membership in the American Academy of Actuaries and shall be qualified in the evaluation of healthcare insurance obligations, to conduct a review in accordance with generally accepted actuarial practices and principles and to provide a report to the Commission containing the results of the review. The Commission, upon determining that the report satisfies the requirements of this subparagraph, shall approve the report, with any comments it may choose to make, and submit it with any such comments to the Postal Service, the Office of Personnel Management, and Congress.

''(B) Upon receiving the report under subparagraph (A), the Office of Personnel Management shall reconsider its determination or redetermination in light of such report, and shall make any appropriate adjustments. The Office shall submit a report containing the results of its reconsideration to the Commission, the Postal Service, and Congress.

''(6) After consultation with the United States Postal Service, the Office shall promulgate any regulations the Office determines necessary under this subsection.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 89 of title 5, United States Code, is amended by inserting after the item relating to section 8909 the following:

''8909a. Postal Service Retiree Health Benefits Fund.''.

(b) REVIEW.—

(1) IN GENERAL.—

(A) REQUEST FOR REVIEW.—Any regulation established under section 8909a(d)(5) of title 5, United States Code (as added by subsection (a)), shall, upon request of the United States Postal Service, be subject to a review by the Postal Regulatory Commission under this paragraph.

(B) REPORT.—Upon receiving a request under subparagraph (A), the Commission shall promptly procure the services of an actuary, who shall hold membership in the American Academy of Actuaries and shall be qualified in the evaluation of healthcare insurance obligations, to conduct a review in accordance with generally accepted actuarial practices and principles and to provide a report to the Commission containing the results of the review. The Commission, upon determining that the report satisfies the requirements of this paragraph, shall approve the report, with any comments it may choose to make, and submit it with any such comments to the Postal Service, the Office of Personnel Management, and Congress.

(2) RECONSIDERATION.—Upon receiving the report under paragraph (1), the Office of Personnel Management shall reconsider its determination or redetermination in light of such report, and shall make any appropriate adjustments. The Office shall submit a report containing the results of its reconsideration to the Commission, the Postal Service, and Congress.

SEC. 804. REPEAL OF DISPOSITION OF SAVINGS PROVISION.

(a) IN GENERAL.—Section 3 of the Postal Civil Service Retirement System Funding Reform Act of 2003 (Public Law 108–18) is repealed.

(b) SAVINGS.—Savings accrued to the Postal Service as a result of enactment of Public Law 108–18 and attributable to fiscal year 2006 shall be transferred to the Postal Service Retiree Health Benefits Fund established under section 8909a of title 5, United States Code, as added by section 803 of this Act.

SEC. 805. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided under subsection (b), this title shall take effect on October 1, 2006.

(b) TERMINATION OF EMPLOYER CONTRIBUTION.—The amendment made by paragraph (1) of section 802(a) shall take effect on the first day of the first pay period beginning on or after October 1, 2006.

TITLE IX—COMPENSATION FOR WORK INJURIES

SEC. 901. TEMPORARY DISABILITY; CONTINUATION OF PAY.

(a) TIME OF ACCRUAL OF RIGHT.—Section 8117 of title 5, United States Code, is amended—

(1) by striking ''An employee'' and inserting ''(a) An employee other than a Postal Service employee''; and

(2) by adding at the end the following:

''(b) A Postal Service employee is not entitled to compensation or continuation of pay for the first 3 days of temporary disability, except as provided under paragraph (3) of subsection (a). A Postal Service employee may use annual leave, sick leave, or leave without pay during that 3-day period, except that if the disability exceeds 14 days or is followed by permanent disability, the employee may have their sick leave or annual leave reinstated or receive pay for the time spent on leave without pay under this section.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 8118(b)(1) of title 5, United States Code, is amended to read as follows:

''(1) without a break in time, except as provided under section 8117(b), unless controverted under regulations of the Secretary;''.

TITLE X—MISCELLANEOUS

SEC. 1001. EMPLOYMENT OF POSTAL POLICE OFFICERS.

Section 3061 of title 18, United States Code, is amended by adding at the end the following:

''(c)(1) The Postal Service may employ police officers for duty in connection with the protection of property owned or occupied by the Postal Service or under the charge and control of the Postal Service, and persons on that property, including duty in areas outside the property to the extent necessary to protect the property and persons on the property.

''(2) With respect to such property, such officers shall have the power to—

''(A) enforce Federal laws and regulations for the protection of persons and property;

''(B) carry firearms; and

''(C) make arrests without a warrant for any offense against the Unites States committed in the presence of the officer or for any felony cognizable under the laws of the United States if the officer has reasonable grounds to believe that the person to be arrested has committed or is committing a felony.

''(3) With respect to such property, such officers may have, to such extent as the Postal Service may by regulations prescribe, the power to—

''(A) serve warrants and subpoenas issued under the authority of the United States; and

''(B) conduct investigations, on and off the property in question, of offenses that may have been committed against property owned or occupied by the Postal Service or persons on the property.

''(4)(A) As to such property, the Postmaster General may prescribe regulations necessary for the protection and administration of property owned or occupied by the Postal Service and persons on the property. The regulations may include reasonable penalties, within the limits prescribed in subparagraph (B), for violations of the regulations. The regulations shall be posted and remain posted in a conspicuous place on the property.

''(B) A person violating a regulation prescribed under this subsection shall be fined under this title, imprisoned for not more than 30 days, or both.''.

SEC. 1002. OBSOLETE PROVISIONS.

(a) REPEAL.—

(1) IN GENERAL.—Chapter 52 of title 39, United States Code, is repealed.

(2) CONFORMING AMENDMENTS.—(A) Section 5005(a) of title 39, United States Code, is amended—

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

(ii) in paragraph (3) (as so designated by clause (i)), by striking ''(as defined in section 5201(6) of this title)''.

(B) Section 5005(b) of such title 39 is amended by striking ''(a)(4)'' each place it appears and inserting ''(a)(3)''.

(C) Section 5005(c) of such title 39 is amended by striking ''by carrier or person under subsection (a)(1) of this section, by contract under subsection (a)(4) of this section, or'' and inserting ''by contract under subsection (a)(3) of this section or''.

(b) ELIMINATING RESTRICTION ON LENGTH OF CONTRACTS.—(1) Section 5005(b)(1) of title 39, United States Code, is amended by striking ''(or where the Postal Service determines that special conditions or the use of special equipment warrants, not in excess of 6 years)'' and inserting ''(or such longer period of time as may be determined by the Postal Service to be advisable or appropriate)''.

(2) Section 5402(d) of such title 39 is amended by striking ''for a period of not more than 4 years''.

(3) Section 5605 of such title 39 is amended by striking ''for periods of not in excess of 4 years''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part V of title 39, United States Code, is amended by repealing the item relating to chapter 52.

SEC. 1003. REDUCED RATES.

Section 3626 of title 39, United States Code, is amended—

(1) in subsection (a), by striking all before paragraph (4) and inserting the following:

''(a)(1) Except as otherwise provided in this section, rates of postage for a class of mail or kind of mailer under former section 4358, 4452(b), 4452(c), 4554(b), or 4554(c) of this title shall be established in accordance with section 3622.

''(2) For the purpose of this subsection, the term 'regular-rate category' means any class of mail or kind of mailer, other than a class or kind referred to in section 2401(c).

''(3) Rates of postage for a class of mail or kind of mailer under former section 4358(a) through (c) of this title shall be established so that postage on each mailing of such mail reflects its preferred status as compared to the postage for the most closely corresponding regular-rate category mailing.'';

(2) in subsection (g), by adding at the end the following:

''(3) For purposes of this section and former section 4358(a) through (c) of this title, those copies of an issue of a publication entered within the county in which it is published, but distributed outside such county on postal carrier routes originating in the county of publication, shall be treated as if they were distributed within the county of publication.

''(4)(A) In the case of an issue of a publication, any number of copies of which are mailed at the rates of postage for a class of mail or kind of mailer under former section 4358(a) through (c) of this title, any copies of such issue which are distributed outside the county of publication (excluding any copies subject to paragraph (3)) shall be subject to rates of postage provided for under this paragraph.

''(B) The rates of postage applicable to mail under this paragraph shall be established in accordance with section 3622.

''(C) This paragraph shall not apply with respect to an issue of a publication unless the total paid circulation of such issue outside the county of publication (not counting recipients of copies subject to paragraph (3)) is less than 5,000.''; and

(3) by adding at the end the following:

''(n) In the administration of this section, matter that satisfies the circulation standards for requester publications shall not be excluded from being mailed at the rates for mail under former section 4358 solely because such matter is designed primarily for free circulation or for circulation at nominal rates, or fails to meet the requirements of former section 4354(a)(5).''.

SEC. 1004. SENSE OF CONGRESS REGARDING POSTAL SERVICE PURCHASING REFORM.

It is the sense of Congress that the Postal Service should—

(1) ensure the fair and consistent treatment of suppliers and contractors in its current purchasing policies and any revision or replacement of such policies, such as through the use of competitive contract award procedures, effective dispute resolution mechanisms, and socioeconomic programs; and

(2) implement commercial best practices in Postal Service purchasing policies to achieve greater efficiency and cost savings by taking full advantage of private-sector partnerships as recommended in July 2003 by the President's Commission on the United States Postal Service.

SEC. 1005. CONTRACTS FOR TRANSPORTATION OF MAIL BY AIR.

(a) DEFINITIONS.—Section 5402(a) of title 39, United States Code, is amended—

(1) in paragraph (4), by striking ''(g)(1)(D)(i)'' and inserting ''(g)(1)(A)(iv)(I)'';

(2) in paragraph (5), by striking ''(g)(1)(D)(i)'' and inserting ''(g)(1)(A)(iv)(I)'';

(3) in paragraph (8), by striking ''rates paid to a bush carrier'' and inserting ''linehaul rates and a single terminal handling payment at a bush terminal handling rate paid to a bush carrier'';

(4) in paragraph (11), by striking ''(g)(1)(D)(ii)'' and inserting ''(g)(1)(A)(iv)(II)''; and

(5) in paragraph (13)—

(A) in subparagraph (A)—

(i) by striking ''clause (i) or (ii) of subsection (g)(1)(D)'' and inserting ''subclause (I) or (II) of subsection (g)(1)(A)(iv)''; and

(ii) by striking ''and'' after the semicolon;

(B) in subparagraph (B), by adding ''and'' after the semicolon; and

(C) by adding at the end the following:

''(C) is not comprised of previously qualified existing mainline carriers as a result of merger or sale;''.

(b) NONPRIORITY BYPASS MAIL.—Section 5402(g) of title 39, United States Code, is amended—

(1) in paragraph (3), by adding at the end the following:

''(C) When a new hub results from a change in a determination under subparagraph (B), mail tender from that hub during the 12-month period beginning on the effective date of that change shall be based on the passenger and freight shares to the destinations of the affected hub or hubs resulting in the new hub.''; and

(2) in paragraph (5)(A)(i), by striking ''(g)(1)(D)(ii)'' and inserting ''(g)(1)(A)(iv)(II)''.

(c) EQUITABLE TENDER.—Section 5402(h) of title 39, United States Code, is amended—

(1) in paragraph (1), by inserting ''bush'' after ''providing scheduled'';

(2) by striking paragraph (3) and inserting the following:

''(3)(A) Except as provided under subparagraph (C), a new or existing 121 bush passenger carrier qualified under subsection (g)(1) shall be exempt from the requirements under paragraphs (1)(B) and (2)(A) on a city pair route for a period which shall extend for—

''(i) 1 year;

''(ii) 1 year in addition to the extension under clause (i) if, as of the conclusion of the first year, such carrier has been providing not less than 5 percent of the passenger service on that route (as calculated under paragraph (5)); and

''(iii) 1 year in addition to the extension under clause (ii) if, as of the conclusion of the second year, such carrier has been providing not less than 10 percent of the passenger service on that route (as calculated under paragraph (5)).

''(B)(i) The first 3 121 bush passenger carriers entitled to the exemptions under subparagraph (A) on any city pair route shall divide no more than an additional 10 percent of the mail, apportioned equally, comprised of no more than—

''(I) 5 percent of the share of each qualified passenger carrier servicing that route that is not a 121 bush passenger carrier; and

''(II) 5 percent of the share of each nonpassenger carrier servicing that route that transports 25 percent or more of the total nonmail freight under subsection (i)(1).

''(ii) Additional 121 bush passenger carriers entering service on that city pair route after the first 3 shall not receive any additional mail share.

''(iii) If any 121 bush passenger carrier on a city pair route receiving an additional share of the mail under clause (ii) discontinues service on that route, the 121 bush passenger carrier that has been providing the longest period of service on that route and is otherwise eligible but is not receiving a share by reason of clause (ii), shall receive the share of the carrier discontinuing service.

''(C) Notwithstanding the requirements of this subsection, if only 1 passenger carrier or aircraft is qualified to be tendered nonpriority bypass mail as a passenger carrier or aircraft on a city pair route in the State of Alaska, the Postal Service shall tender 20 percent of the nonpriority bypass mail described under paragraph (1) to the passenger carrier or aircraft providing at least 10 percent of the passenger service on such route.'';

(3) in paragraph (5)(A)—

(A) by striking ''(i)'' after ''(A)''; and

(B) by striking clause (ii).

(d) PERCENT OF NONMAIL FREIGHT.—Section 5402(i)(6) of title 39, United States Code, is amended—

(1) by striking ''(A)'' after ''(6)''; and

(2) by striking subparagraph (B).

(e) PERCENT OF TENDER RATE.—Section 5402(j)(3)(B) of title 39, United States Code, is amended by striking ''bush routes in the State of Alaska'' and inserting ''routes served exclusively by bush carriers in the State of Alaska''.

(f) DETERMINATION OF RATES.—Section 5402(k) of title 39, United States Code, is amended by striking paragraph (5).

(g) TECHNICAL AND CONFORMING AMENDMENT.—Section 5402(p)(3) of title 39, United States Code, is amended by striking ''(g)(1)(D)'' and inserting ''(g)(1)(A)(iv)''.

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided under paragraph (2), this section shall take effect on the date of enactment of this Act.

(2) EQUITABLE TENDER.—Subsection (c) shall take effect on December 1, 2006.

SEC. 1006. DATE OF POSTMARK TO BE TREATED AS DATE OF APPEAL IN CONNECTION WITH THE CLOSING OR CONSOLIDATION OF POST OFFICES.

(a) IN GENERAL.—Section 404(b) of title 39, United States Code, is amended by adding at the end the following:

''(6) For purposes of paragraph (5), any appeal received by the Commission shall—

''(A) if sent to the Commission through the mails, be considered to have been received on the date of the Postal Service postmark on the envelope or other cover in which such appeal is mailed; or

''(B) if otherwise lawfully delivered to the Commission, be considered to have been received on the date determined based on any appropriate documentation or other indicia (as determined under regulations of the Commission).''.

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to any determination to close or consolidate a post office which is first made available, in accordance with paragraph (3) of section 404(b) of title 39, United States Code, after the end of the 3-month period beginning on the date of the enactment of this Act.

SEC. 1007. PROVISIONS RELATING TO BENEFITS UNDER CHAPTER 81 OF TITLE 5, UNITED STATES CODE, FOR OFFICERS AND EMPLOYEES OF THE FORMER POST OFFICE DEPARTMENT.

(a) IN GENERAL.—Section 8 of the Postal Reorganization Act (39 U.S.C. 1001 note) is amended by inserting ''(a)'' after ''8.'' and by adding at the end the following:

''(b) For purposes of chapter 81 of title 5, United States Code, the Postal Service shall, with respect to any individual receiving benefits under such chapter as an officer or employee of the former Post Office Department, have the same authorities and responsibilities as it has with respect to an officer or employee of the Postal Service receiving such benefits.''.

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall be effective as of the first day of the fiscal year in which this Act is enacted.

SEC. 1008. HAZARDOUS MATTER.

(a) NONMAILABILITY GENERALLY.—Section 3001 of title 39, United States Code, is amended—

(1) by redesignating subsection (n) as subsection (o); and

(2) by inserting after subsection (m) the following:

''(n)(1) Except as otherwise authorized by law or regulations of the Postal Service, hazardous material is nonmailable.

''(2) In this subsection, the term 'hazardous material' means a substance or material designated by the Secretary of Transportation under section 5103(a) of title 49.''.

(b) MAILABILITY.—Chapter 30 of title 39, United States Code, is amended by adding at the end the following:

''§ 3018. Hazardous material

''(a) IN GENERAL.—The Postal Service shall prescribe regulations for the safe transportation of hazardous material in the mail.

''(b) PROHIBITIONS.—No person may—

''(1) mail or cause to be mailed hazardous material that has been declared by statute or Postal Service regulation to be nonmailable;

''(2) mail or cause to be mailed hazardous material in violation of any statute or Postal Service regulation restricting the time, place, or manner in which hazardous material may be mailed; or

''(3) manufacture, distribute, or sell any container, packaging kit, or similar device that—

''(A) is represented, marked, certified, or sold by such person for use in the mailing of hazardous material; and

''(B) fails to conform with any statute or Postal Service regulation setting forth standards for a container, packaging kit, or similar device used for the mailing of hazardous material.

''(c) CIVIL PENALTY; CLEAN-UP COSTS AND DAMAGES.—

''(1) IN GENERAL.—A person who knowingly violates this section or a regulation prescribed under this section shall be liable for—

''(A) a civil penalty of at least $250, but not more than $100,000, for each violation;

''(B) the costs of any clean-up associated with each violation; and

''(C) damages.

''(2) KNOWING ACTION.—A person acts knowingly for purposes of paragraph (1) when—

''(A) the person has actual knowledge of the facts giving rise to the violation; or

''(B) a reasonable person acting in the circumstances and exercising reasonable care would have had that knowledge.

''(3) SEPARATE VIOLATIONS.—

''(A) VIOLATIONS OVER TIME.—A separate violation under this subsection occurs for each day hazardous material, mailed or caused to be mailed in noncompliance with this section, is in the mail.

''(B) SEPARATE ITEMS.—A separate violation under this subsection occurs for each item containing hazardous material that is mailed or caused to be mailed in noncompliance with this section.

''(d) HEARINGS.—The Postal Service may determine that a person has violated this section or a regulation prescribed under this section only after notice and an opportunity for a hearing. Proceedings under this section shall be conducted in accordance with section 3001(m).

''(e) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty for a violation of this section, the Postal Service shall consider—

''(1) the nature, circumstances, extent, and gravity of the violation;

''(2) with respect to the person who committed the violation, the degree of culpability, any history of prior violations, the ability to pay, and any effect on the ability to continue in business;

''(3) the impact on Postal Service operations; and

''(4) any other matters that justice requires.

''(f) CIVIL ACTIONS TO COLLECT.—

''(1) IN GENERAL.—In accordance with section 409(d), a civil action may be commenced in an appropriate district court of the United States to collect a civil penalty, clean-up costs, and damages assessed under subsection (c).

''(2) COMPROMISE.—The Postal Service may compromise the amount of a civil penalty, clean-up costs, and damages assessed under subsection (c) before commencing a civil action with respect to such civil penalty, clean-up costs, and damages under paragraph (1).

''(g) CIVIL JUDICIAL PENALTIES.—

''(1) IN GENERAL.—At the request of the Postal Service, the Attorney General may bring a civil action in an appropriate district court of the United States to enforce this section or a regulation prescribed under this section.

''(2) RELIEF.—The court in a civil action under paragraph (1) may award appropriate relief, including a temporary or permanent injunction, civil penalties as determined in accordance with this section, or punitive damages.

''(3) CONSTRUCTION.—A civil action under this subsection shall be in lieu of civil penalties for the same violation under subsection (c)(1)(A).

''(h) DEPOSIT OF AMOUNTS COLLECTED.—

''(1) POSTAL SERVICE FUND.—Except as provided under paragraph (2), amounts collected under subsection (c)(1)(B) and (C) shall be deposited into the Postal Service Fund under section 2003.

''(2) TREASURY.—Amounts collected under subsection (c)(1)(A) and any punitive damages collected under subsection (c)(1)(C) shall be deposited into the Treasury of the United States.''.

(c) CONFORMING AMENDMENTS.—(1) Section 2003(b) of title 39, United States Code, is amended—

(A) in paragraph (7), by striking ''and'' after the semicolon;

(B) in paragraph (8), by striking ''purposes.'' and inserting ''purposes; and''; and

(C) by adding at the end the following:

''(9) any amounts collected under section 3018.''.

(2) The analysis for chapter 30 of title 39, United States Code, is amended by adding at the end the following:

''3018. Hazardous material.''.

(d) INJURIOUS ARTICLES AS NONMAILABLE.—Section 1716(a) of title 18, United States Code, is amended by inserting after ''explosives,'' the following: ''hazardous materials,''.

SEC. 1009. ZIP CODES AND RETAIL HOURS.

(a) ZIP CODES.—Not later than September 30, 2007, the United States Postal Service shall assign a single, unified ZIP code to serve, as nearly as practicable, each of the following communities:

(1) Auburn Township, Ohio.

(2) Hanahan, South Carolina.

(3) Bradbury, California.

(4) Discovery Bay, California.

(b) RETAIL HOURS.—Not later than 60 days after the date of the enactment of this Act, the United States Postal Service shall provide the same window service hours for the Fairport Harbor Branch of the United States Post Office in Painesville, Ohio, as were in effect as of December 1, 2005.

SEC. 1010. TECHNICAL AND CONFORMING AMENDMENTS.

(a) REIMBURSEMENT.—Section 3681 of title 39, United States Code, is amended by striking ''section 3628'' and inserting ''sections 3662 through 3664''.

(b) SIZE AND WEIGHT LIMITS.—Section 3682 of title 39, United States Code, is amended to read as follows:

''§ 3682. Size and weight limits

''The Postal Service may establish size and weight limitations for mail matter in the market-dominant category of mail consistent with regulations the Postal Regulatory Commission may prescribe under section 3622. The Postal Service may establish size and weight limitations for mail matter in the competitive category of mail consistent with its authority under section 3632.''.

(c) REVENUE FOREGONE, ETC.—Title 39, United States Code, is amended—

(1) in section 503 (as so redesignated by section 601), by striking ''this chapter.'' and inserting ''this title.''; and

(2) in section 2401(d), by inserting ''(as last in effect before enactment of the Postal Accountability and Enhancement Act)'' after ''3626(a)'' and after ''3626(a)(3)(B)(ii)''.

(d) APPROPRIATIONS AND REPORTING REQUIREMENTS.—

(1) APPROPRIATIONS.—Subsection (e) of section 2401 of title 39, United States Code, is amended—

(A) by striking ''Committee on Post Office and Civil Service'' each place it appears and inserting ''Committee on Government Reform''; and

(B) by striking ''Not later than March 15 of each year,'' and inserting ''Each year,''.

(2) REPORTING REQUIREMENTS.—Sections 2803(a) and 2804(a) of title 39, United States Code, are amended by striking ''2401(g)'' and inserting ''2401(e)''.

(e) AUTHORITY TO FIX RATES AND CLASSES GENERALLY; REQUIREMENT RELATING TO LETTERS SEALED AGAINST INSPECTION.—Section 404 of title 39, United States Code (as amended by section 102) is further amended by redesignating subsections (b) and (c) as subsections (d) and (e), respectively, and by inserting after subsection (a) the following:

''(b) Except as otherwise provided, the Governors are authorized to establish reasonable and equitable classes of mail and reasonable and equitable rates of postage and fees for postal services in accordance with the provisions of chapter 36. Postal rates and fees shall be reasonable and equitable and sufficient to enable the Postal Service, under best practices of honest, efficient, and economical management, to maintain and continue the development of postal services of the kind and quality adapted to the needs of the United States.

''(c) The Postal Service shall maintain one or more classes of mail for the transmission of letters sealed against inspection. The rate for each such class shall be uniform throughout the United States, its territories, and possessions. One such class shall provide for the most expeditious handling and transportation afforded mail matter by the Postal Service. No letter of such a class of domestic origin shall be opened except under authority of a search warrant authorized by law, or by an officer or employee of the Postal Service for the sole purpose of determining an address at which the letter can be delivered, or pursuant to the authorization of the addressee.''.

(f) LIMITATIONS.—Section 3684 of title 39, United States Code, is amended by striking all that follows ''any provision'' and inserting ''of this title.''.

(g) MISCELLANEOUS.—Title 39, United States Code, is amended—

(1) in section 1005(d)(2)—

(A) by striking ''subsection (g) of section 5532,''; and

(B) by striking ''8344,'' and inserting ''8344'';

(2) in the analysis for part III, by striking the item relating to chapter 28 and inserting the following:

''28. Strategic Planning and Performance Management ..... 2801'';

(3) in section 3005(a)—

(A) in the matter before paragraph (1), by striking all that follows ''nonmailable'' and

precedes ''(h),'' and inserting ''under section 3001(d),''; and

(B) in the sentence following paragraph (3), by striking all that follows ''nonmailable'' and precedes ''(h),'' and inserting ''under such section 3001(d),'';

(4) in section 3210(a)(6)(C), by striking the matter after ''if such mass mailing'' and before ''than 60 days'' and inserting ''is postmarked fewer''; and

(5) by striking the heading for section 3627 and inserting the following:

''§ 3627. Adjusting free rates''.

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

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 6407, the Postal Accountability and Enhancement Act. This is the first major overhaul of the Postal Service since 1970. The House passed its version of postal reform in July of 2005 by a vote of 410–20. The Senate passed its version in February by unanimous consent.

This bill is the product of months of negotiations between the House and the Senate and the administration. It is also the culmination of more than a decade of hard work and study, not to mention a great deal of bipartisan negotiation and cooperation.

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Mr. Speaker, this bill is the product of months of negotiations between the House, the Senate and the administration. It is also the culmination of more than a decade of hard work and study, not to mention a great deal of bipartisan negotiation and cooperation. The landmark legislation solves the structural, legal and financial constraints that have brought the postal service to the brink of utter breakdown.

The postal service is the center of a $900 billion industry, employing 9 million workers nationwide. Each year, the U.S.P.S. processes and delivers over 200 million pieces of mail to more than 130 million households and businesses in the United States, but the last major overhaul of the statutes governing the postal service occurred in 1970 before the Internet and e-mails and faxes, before letters became snail mail, before the deregulation of the airline industry, before competitors like FedEx even existed.

Today, this critical component of our Nation's economy is being challenged by a variety of factors, including increasing volume, insufficient revenue, mounting debts and new technologies such as the Internet advertising, electronic bill payments, e-mails and faxes.

As a result, the GAO has included the postal service on its high-risk series since 2001. This compromise will reverse the death spiral at the postal service and bring the postal service into the 21st century.

I want to take this opportunity to thank Congressman JOHN MCHUGH of New York who recognized the need for comprehensive postal reform legislation when he became chairman of this subcommittee at the beginning of the 104th Congress and has championed reform tirelessly. I also want to thank HENRY WAXMAN and DANNY DAVIS for their dedication to this subject and their willingness to cooperate in a bipartisan manner.

I want to thank the principal sponsors in the Senate, SUSAN COLLINS of Maine and TOM CARPER of Delaware. Without their leadership and dedication, this compromise would not have been possible.

Finally, I want to thank the many members of our staff who have worked on this important issue: Jack Callender, Ellen Brown, and Mason Alinger of my committee staff; also Robert Taub of Congressman MCHUGH's staff who has dedicated years of his life to this cause; and also Phil Barnett, Denise Wilson, and Naomi Seiler of Congressman WAXMAN's staff; Jill Hunter-Williams of Congressman DANNY DAVIS' staff; and Ann Fisher of Senator COLLINS' and John Kilvington of Senator CARPER's staff.

I also want to thank all those individuals in the administration that have actively and tirelessly participated in the negotiations to help us reach this point today, especially Michael Bopp, Jeff Sharpe and Chris Frech.

Mr. Speaker, all the stakeholders in this legislation, postal employees, financial services companies, major marketers, have been rigorous in urging Congress and the administration to complete this bill. No one thinks it is perfect. This is the nature of compromise, but everyone, especially all Americans who use stamps, will be significantly better off with this legislation than they would be without this long overdue package of reforms.

I urge my colleagues to support this important legislation.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise in strong support of this landmark postal reform bill. Members of the House have worked for over a decade to reform this important part of our national communications system and our economy. I am indeed pleased to serve in the Congress that is making this reform a reality.

I want to commend and congratulate Chairman TOM DAVIS and Ranking Member HENRY WAXMAN for their tremendous commitment and dedication to making this truly a bipartisan effort and for the tenacious way in which they have worked to bring us to this point this evening.

I also want to commend Representative MCHUGH who has been the point person for the Republican side of the aisle on this matter for more than 10 years, who has stayed with it, stuck with it, and one of the reasons that we are here today is because of his tenacious work.

I also want to thank all of the stakeholders, the unions, the mailers and others, who are greatly affected.

I want to thank the Board of Governors and the Postmaster General, Mr. Potter, for their willingness to work with us.

And I want to think the other body, the Members of the Senate who were willing to negotiate, to engage in the give-and-take that is so necessary to make bipartisan, bicameral legislation a reality.

This bill is a prime example of bipartisan negotiation and collaboration. It is a compromise that will modernize the postal system and help it remain healthy and affordable well into the 21st century.

I represent much of the city of Chicago, one of the primary postal hubs in the Midwest with over 12,000 postal employees who deliver mail daily to 1.2 million homes and businesses in the Chicago area. I also represent numerous printing and mailing companies that rely upon the movement of mail. Therefore, ensuring a healthy postal service is a key issue of great concern to me.

This bill has many highlights. It provides for ratemaking flexibility, rate stability, universal service, high quality standards, and collective bargaining.

In addition, I am pleased that the bill advances fair business practices related to employees who are women and/or racial minorities. For example, I am pleased that it includes a study on the representation of women and minority members in supervisory and management positions within the postal service. It is important to understand how well the postal service is doing in opening up its senior positions to groups who historically have not had that kind of access.

The bill goes even further by requiring measures to incorporate the affirmative action and equal opportunity criteria into the performance appraisals of senior supervisory or managerial employees. This change helps ensure that management will be held accountable for adhering to the organization's goals of equal opportunity. And I want to sincerely thank Mr. WAXMAN for his vigorous support for this diversity provision.

I am also pleased that the bill includes a study of the number of contracts with women, minorities and small businesses to ensure that all

groups have access to the postal service contracts.

Mr. Speaker, these are just some of the provisions that will go a long way towards helping the postal service to better serve its customers, compete fairly with the mailing industry, and contribute to our Nation.

I especially want to thank the committee staff, Phil Barnett, Denise Wilson, Naomi Seiler, and all of the staff persons who worked to make this a reality.

I want to thank Ellen Brown, Jack Callender, Robert Taub and my staff, Richard Boykin and Jill Hunter-Williams.

Mr. Speaker, it is obviously time for postal reform. We have gone through this now for several years, and all of us who have worked on it are indeed pleased with the fact that we were able to compromise, to come together, to massage egos, to make real the idea that we can have a solid piece of legislation. I am proud to support it.

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

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. MCHUGH).

Mr. MCHUGH. Mr. Speaker, I thank the chairman.

I had a friend of mine say the other day, gee, 11½ years dedicated to one issue, that is a long time. My observation was, there are people in certain jurisdictions in this country that have spent less time for committing murder than I have spent on this bill. I am not sure what the parallel there is, but if there is any truth in the old adage that anything worth having is worth waiting for, this is a very, very good night.

This is an excellent bill. It is not a perfect bill, but the fact that you can take the mix of interests that is represented in this piece of legislation, unions, mailers, postal dependents and postal competitive industries, the postal service itself, and have them virtually uniformly and universally support it suggests that it is a remarkable achievement.

In that regard, I want to thank so many people: former Chairman Bill Clinger who first presented me the challenge and the opportunity of advancing this initiative; then, of course, DAN BURTON, the follow-on chairman, the gentleman from Indiana, who kept it alive; and most recently, most importantly, the gentleman from Virginia (Mr. TOM DAVIS) who really pushed it over the goal line. We are all deeply in his debt.

The minority as well: HENRY WAXMAN; DANNY DAVIS, the gentleman who tonight is managing this bill very appropriately, as he has managed the affairs from the minority side on this issue so very, very ably; CHAKA FATTAH, who was the ranking member when we really got into the meat of this issue; BARBARA ROSE COLLINS, the first ranking member, and on and on and on.

But most of all, those who had the greatest stake in this initiative, the unions, the postal service, Jack Potter, the mailers, the mailing dependent mailers, those in the competitive industry, those who understood that for whatever their differences might be, their need for a common cause, their need for reform should override all of it. And at the end of the day, as we see here tonight, they put that aside.

Special thanks to the staff. They are the folks who, whatever the endeavor in this House, are really the ones who do the lion's share of the work. Of course, Dan Blair who is the chief of staff and the person who headed up the Postal Subcommittee for the Government Reform Committee when we first began this initiative, and foremost, most importantly, Robert Taub, a man who as I have said on this House floor so many times before brings such compassion, such passion, such patience, really embodied in any individual that I have ever had the pleasure of meeting. I am proud to call him a colleague. I am proud to call him my friend, and today, it is perhaps the finest hour of his work because of the effort he has put together.

This bill represents 80 percent, probably more than 80 percent, of the first bill we introduced some 11½ years ago. That is a pretty remarkable achievement. The postal service is the kind of endeavor that touches the lives of virtually each and every American each and every day, and while it may not garner the kind of attention and passion and interest that some other issues do, at the end of the day, it is one of the most important activities.

Most of all, this is for the postal workers, those 800,000-plus strong who go out every day and do their job so effectively, so efficiently that for the vast majority of our constituents, the last thing they think of when they walk to their mailbox or go to their post office is will the mail be there. It will. And through this legislation, through this advancement, hopefully it will continue in that regard.

Mr. Speaker, it is a great night, a great day for all Americans, and I thank all of those who have endeavored so hard for more than a decade to make it a reality.

It has been more than 36 years since President Nixon signed into law the most comprehensive postal legislation since the founding of the Republic, the Postal Reorganization Act of 1970. The Post Office Department was transformed into the United States Postal Service, an independent establishment of the executive branch of the Government of the United States.

The universal service mission of the Postal Service remained the same, as stated in Title 39 of the U.S. Code: "The Postal Service shall have as its basic function the obligation to provide postal services to bind the Nation together through the personal, educational, literary, and business correspondence of the people. It shall provide prompt, reliable, and efficient services to patrons in all areas and shall render postal services to all communities."

The new Postal Service officially began operations on July 1, 1971. In the intervening 35 years, the commercial environment in which the Postal Service operates has changed. In 1971, UPS had a much smaller percentage of the parcel market, FedEx didn't exist, and the Internet had not been created. As we know, these developments have drastically altered the postal and delivery sector of our economy. Yet, in the last three and a half decades our Nation's postal laws have changed very little. I do not know of any entity in the United States today, public or private, that is still operating with such an outdated structure.

A report by the President's Commission on the Postal Service concluded that without a new approach, the future of universal mail service is in peril. According to the Secretary of the Treasury, "We really need to get it done now . . . the business model of the Postal Service just doesn't work anymore. It's not sustainable in light of all the technological changes and changes in the marketplace."

Today we have a choice . . . whether to vote to preserve universal postal service at uniform rates to every stretch of this Nation, or whether to instead vote "no" and assign the Postal Service to an almost certain future of ever escalating increases in postal prices and devastating post office closures. The bill we have before us is the product of extensive bipartisan/bicameral efforts with the Government Reform Committee Chairman, the Committee's Ranking Member, the Committee Member from Illinois (i.e., Mr. DANNY DAVIS), and me, together with our colleagues in the other body, particularly Senators COLLINS, CARPER, and LIEBERMAN. I want to take a moment to underscore my appreciation for the hard work that each of them took to bring about a proposed solution, in close collaboration with the Administration. This bill is truly a consensus document, having built upon H.R. 22 as it passed the House in the last session 413–20, and then the Senate by unanimous consent in February of this year.

I have heard it said, time and time again, and it is absolutely true, this is not a perfect bill. I cannot imagine any person, short of someone suffering from multiple personality disorder, who would sit down and, by themselves, craft this particular piece of legislation. But I think that is true of any product that comes about after 12 years of negotiations; of any product in this legislative body that attempts, as this bill does, to effect sector reform or reform of a system that while touching every American's life, 6 days a week, at a minimum, has not been changed in any meaningful way, in more than 35 years.

So what we have tried to do, with the enormous, enormous support and patience and input of: the Government Reform Chairman; of the gentleman from Illinois, Mr. DANNY DAVIS, who started on the Postal Subcommittee, who served so honorably and so diligently with me; and over the past years, the Ranking Member of the Government Reform Committee—all of whom I hold in great esteem, and to whom I express great appreciation. I would be remiss if I also didn't note the work and commitment of the two previous Government Reform Chairmen, DAN BURTON and Bill Clinger, to this task. We have come up with a bill that embodies the input of literally hundreds of organizations that either compete against or rely upon this system we call the post office in America today. It does, as well, advance what, at least for me, was always the primary directive, and that is, that the interests of the Postal

Service, under this legislation, would be better served than the status quo.

That is an opinion, by the way, that is held by corporate and non-profit mailers, competitors, postal unions and management groups, and the Administration. All of these groups, I think it is fair to say, are particularly interested in seeing this House, and ultimately the Congress, advance the issue; an issue that I hope all of my colleagues understand is one of great urgency, and one that we continue to ignore at our extreme peril. So it is a positive moment.

The patient work on postal modernization has proceeded steadily even though, in all this time, ''postal reform'' has not once been featured on the Sunday talk shows. Balanced, nonpartisan postal reform may not be the stuff of political glory, but it is the sort of legislative work that will earn the long-term gratitude of the American mailing consumer—for I can think of no other government agency that touches the lives of all us, nearly every day, at home and at work. We've said it before and we'll say it again—that the Postal Service is the center of a nearly $900 billion industry, employing 9 million workers nationwide, and representing nearly 9 percent of our nation's gross domestic product.

The ''Postal Accountability and Enhancement Act'' affirmatively responds to all of the Administration's 5 principles for postal reform, and incorporates most of the 17 legislative recommendations made by the President's Commission on the U.S. Postal Service. The bill mandates transparency in the Service's finances, costs, and operations. The legislation creates a modern system of rate regulation, establishes fair competition rules and a powerful new regulator, addresses the Service's universal service obligation and the scope of the mail monopoly, and institutes improvements to the collective bargaining process. While the bill provides some of the pricing flexibility recommended for the Postal Service by the President's Commission, the bill also imposes controls to protect the public interest from unfair competition.

This is well-refined legislation that reflects the input and feedback from the more than three dozen hearings and nearly 125 witnesses that the Government Reform Committee and its former Postal Service Subcommittee held over the course of the last 12 years.

Make no mistake that today is indeed a day to choose. The Comptroller General of the United States has reported that the Postal Service's current business model, formulated as it was in 1970, is no longer sustainable in the 21st century. Our Postal Service is in trouble and requires reform to preserve universal service and prevent a worsening crisis.

To understand the challenges at hand, one needs simply to read the testimony the Committee received regarding the: Serious declines in first-class volume, changes in the mail mix, increased competition from private delivery companies, sub par revenue growth, rising costs, significant financial liabilities and obligations (including roughly $60 billion in unfunded retiree health benefits alone), insufficient increases in postal productivity, and uncertainties regarding how well the Service can streamline its outdated network of facilities under existing law.

Take declining first-class mail volume as one example of a fundamental challenge to the Service's long-term viability. First-class mail volume has declined annually for the last 5 years—not since the Great Depression has the Postal Service seen declines in first-class mail. The Service's core business of first-class mail has historically been the ''bread and butter'' that makes the system operate: first-class mail generates about half of the Service's mail volume, more than half of its revenues, and covers more than two-thirds of the Service's overhead costs. About half of overhead costs are comprised of universal service costs of maintaining postal delivery and retail networks. Declining first class mail volume is causing a loss of first-class mail revenues to cover overhead costs, which will be difficult to recover from other classes of mail.

While the problems are dire, I believe the strong bipartisan bill we are presenting today—based as it is on the President's principles for legislative change—identify a path to some solutions. The Postal Service is simply too important an institution—too important to the people of this nation; too important to our economy—to await the full brunt of a crisis that is clearly upon the doorstep. Indeed, there is good reason why this is the first Administration since President Nixon's to call on Congress to modernize our Nation's postal laws. I remain hopeful that as Congress did in 1970, we too today will answer the President's charge and challenge. The Postal Service, its 750,000 dedicated employees, and the nearly 300 million American citizens who depend on universal service at affordable rates are counting on us.

Mr. DAVIS of Illinois. Mr. Speaker, I am pleased to yield such time as she might consume to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for yielding, and I rise in strong support of H.R. 6407, the Postal Accountability and Enhancement Act.

I want to congratulate the Government Reform Chairman, TOM DAVIS, Ranking Member WAXMAN, Representative JOHN MCHUGH from New York who has dedicated well over 11 years working on this, and DANNY DAVIS who led the effort in the minority, and their counterparts in the Senate for their hard work in getting this compromise bill to the floor prior to the adjournment.

The legislation before us will bring long overdue reforms to the operations of the postal service after almost 11½ years of negotiations between the House, the Senate and the administration.

We reached an agreement on negotiated service agreements, work sharing, the rate cap and the authority of the Postal Regulatory Commission to design a new postal system. The $9 billion mailing industry is tremendously important to our economy. Had Congress failed to reach this compromise, the public and postal reliant businesses surely would have faced more frequent increases in postal rates in the near future.

This bill will help to keep rates more stable by releasing the funds from an escrow account to pay retiree health benefits.

□ 2230

Additionally, this relieves the Postal Service and postal customers of the $27 billion burden in military service payments by returning that responsibility to the Treasury. The legislation creates a new Postal Regulatory Commission with the authority to establish a modern system for postal rate regulation. The new PRC will improve the rate-setting process by reducing administrative burdens. As a result, consumers and postal-reliant businesses can expect a greater rate stability.

I represent a large portion of the magazine industry which is enormously important both for the economy of New York and the country. High costs have forced many magazines out of business, including Mademoiselle, Mode, Brill's Content, and Industry Standard, leaving many workers without jobs. I also represent many postal workers, some of the 700,000 postal workers who rely on a healthy Postal Service for their livelihoods.

We are hopeful that the legislation we passed today will satisfy many of the concerns of the postal employees, the postal-reliant businesses, and the U.S. Postal Service and consumers. With the passage of this legislation we can ensure the long-term viability of the Postal Service and the continuation of services on which this Nation relies.

Once again, I commend my colleagues and the staff of the Government Reform and Oversight Committee, particularly Denise Wilson, for their hard work and dedication, and Jen Keaton from my own staff for their efforts in completing this task and I urge my colleagues to support it.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, let me just again commend and congratulate Chairman TOM DAVIS, Ranking Member HENRY WAXMAN, and Mr. MCHUGH. And just say that TOM DAVIS and HENRY WAXMAN demonstrated the very best of leadership as they worked through this process. TOM was a great chairman; Mr. WAXMAN is going to become a great chairman in the next session, and he is what I call a Member's chairman. It has been a pleasure working with all of them. I urge passage.

Mr. Speaker, I yield back the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, let me just say again, this legislation mandates transparency in the Service's finances, costs, and operations, creates a modern system of rate regulation, establishes fair competition rules, and a powerful new regulator to oversee operations. It addresses the Postal Service's universal service operation in the scope of the mail monopoly; it institutes improvements to the collective bargaining process; it also puts a reasonable rate cap on it for the mailers, the first-class mailers and across the board for Americans who use the postal system. I urge my colleagues to adopt it and support this.

Mr. Speaker, I want to thank the Chairman of the Ways and Means Committee for agreeing to work with me on H.R. 6407 and I ask that our letters of exchange be inserted into the RECORD.

DECEMBER 8, 2006.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your December 8, letter regarding the Committee on Ways and Means jurisdictional interest in H.R. 6407, the Postal Accountability and Enhancement Act, and your willingness to forego consideration of H.R. 6407 by your committee.

I agree that the Committee on Ways and Means has a valid jurisdictional interest in H.R. 6407 and that the committee's jurisdiction will not be adversely affected by your decision to forego consideration at this time. In addition, I will support your request for the appointment of outside conferees from the Committee on Ways and Means to a House-Senate Conference committee on this or similar legislation should such a conference be convened.

As you have requested, I will include a copy of your letter and this response in the Congressional Record during consideration of H.R. 6407 on the House floor. Thank you for your assistance as I work towards the enactment of H.R. 6407.

Sincerely,

TOM DAVIS,
Chairman.

DECEMBER 8, 2006.

Hon. TOM DAVIS,
Chairman, Committee on Government Reform Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN DAVIS: I am writing concerning H.R. 6407, the ''Postal Accountability and Enhancement Act,'' which was introduced on December 7, 2006, and is scheduled for floor action.

As, you know, the Committee on Ways and Means has jurisdiction over matters concerning trade and customs revenue functions and the bill contains provisions impacting these issues. For example, contained in the bill is a provision that directs the Bureau of Customs and Border Protection to apply United States customs laws to certain mail, and thus falls within the jurisdiction of the Committee on Ways and Means. However, in order to expedite this legislation for floor consideration, the committee will forgo action on this bill. This is being done with the understanding that it does not in any way prejudice the committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to this bill, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

Mrs. MILLER of Michigan. Mr. Speaker, I rise today in strong support of H.R. 6407, The Postal Accountability and Enhancement Act.

This measure is the accumulation of 10 years of hard work and I would like to thank Chairman DAVIS and Congressman MCHUGH for their unwavering commitment to this bill, and their steadfast commitment to modernizing and reforming all aspects of the federal government.

The United States Postal Service is currently operating under a system built in 1970. In 1970, Richard Nixon was President, gasoline cost $0.36 per gallon, and very few people had even heard of computers, much less owned one.

Much has changed since then. The primary mode of written communication now is via email or fax, not first class mail. Consumers have a whole range of options to send mail and packages urgently. Most households either have or have access to a computer. But the Postal Service still operates at the same frequency as it did in 1970.

The simple fact is that this generation-old structure is unable to support the functioning of the 21st Century economy. With ever-accelerating declines in First Class Mail volumes, it's becoming more and more difficult for the Postal Service to collect revenue. This in turn leads to the need for frequent rate hikes, which is nothing more than an indirect tax increase on average Americans and a significant cost increase for businesses that heavily utilize the mail.

Mr. Speaker, this bill strikes the correct balance between the need for Postal reform and the obligations that the Postal Service has to the American people. If enacted, this bill will guarantee universal service, streamline back office operations, provide for workforce stability and implement a logical, reasoned process for increases in postal rates, which will generally be in line with the rate of inflation. Such stability and predictability will allow the Postal Service to grow along with the needs of its customers.

Mr. Speaker, America relies on the Unites States Postal Service to deliver our mail. Every Member of this body relies on the Postal Service to deliver important communications to our constituents. It's time we give the Postal Service the tools they need to remain an efficient, effective organization in the years to come.

I urge a ''yes'' vote on the bill.

Mr. SHAYS. Mr. Speaker, I rise in support of H.R. 6407, the Postal Accountability and Enhancement Act.

The Government Reform Committee, of which I am vice-chairman, has held hearings and briefings on postal reform for several years now, and I am glad to see our efforts come to fruition today.

The United States Postal Service has been forced to cut back on its service due to serious financial challenges. H.R. 6407 is an effort to modernize our nation's postal laws for the first time in 36 years. It is intended to help ensure the United States Postal Service can survive in an increasingly competitive marketplace.

Due to the increasing use of electronic forms of communication, such as email, first-class mail volume is declining, but postal addresses are increasing. In lieu of simply increasing rates, an entire reform of the postal service is necessary.

H.R. 6407 would require the Postal Service to operate in a more businesslike manner by creating a modern system of rate regulation, establishing fair competition rules and a more powerful regulatory commission.

H.R. 6407 will also promote both price stability and pricing flexibility. Giving the Postal Service pricing flexibility will allow USPS to price its core mail products in a way that keeps them competitive and, quite literally, in the mail. By limiting the amount of future postage rate increases, however, the bill also takes an important step towards encouraging the Postal Service to increase mail volume and keep the mailbags full while giving mailers predictability and stability.

Universal postal service should be the first and foremost goal of reform. This can only be accomplished if the financial and operational crisis facing the United States Postal Service is met with innovative and bold action. H.R. 6407 takes such action.

Mr. TOM DAVIS of Virginia. 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 Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 6407, as amended.

The question was taken.

The SPEAKER pro tempore (Mr. LAHOOD). In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mr. PENCE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SERGEANT FIRST CLASS ROBERT LEE ''BOBBY'' HOLLAR, JR. POST OFFICE BUILDING

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 4050) to designate the facility of the United States Postal Service located at 103 East Thompson Street in Thomaston, Georgia, as the ''Sergeant First Class Robert Lee 'Bobby' Hollar, Jr., Post Office Building''.

The Clerk read as follows:

S. 4050

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

SECTION 1. SERGEANT FIRST CLASS ROBERT LEE ''BOBBY'' HOLLAR, JR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 103 East Thompson Street in Thomaston, Georgia, shall be known and designated as the ''Sergeant First Class Robert Lee 'Bobby' Hollar, Jr. Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Sergeant First Class Robert Lee 'Bobby' Hollar, Jr. Post Office Building''.

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

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days

within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of S. 4050, offered by the gentleman from Georgia, Mr. WESTMORELAND. This bill would name a post office in Thomaston, Ga. to honor Sgt. First Class Bobby Lee Hollar, who was killed in action while serving our nation in Iraq.

Sergeant Hollar was the kind of man who makes it possible for Americans to live in freedom and his service to his country was nothing short of remarkable. He was a Tank Commander in the U.S. Army National Guard before joining the 108th Calvary Division in Griffin, Georgia. For seven years following that, he worked within the 82nd Airborne Division out of Fort Bragg and Colorado Springs. He believed passionately in what he did, and at the young age of 35, he died entirely too young.

I would also like to note here that naming this post office in honor of Sergeant Hollar is quite befitting, as he dedicated several years of his life to the Postal Service before returning to the military and deploying to Iraq. Friends and family from every part of his life remember his kindness, his spirit, and the way he put his heart and soul into everything he did. We are so fortunate for the bravery and allegiance of people like Sergeant Hollar, and it is with gratitude for his dedication and service that I support this resolution.

Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Mr. Speaker, I want to thank Chairman DAVIS and his staff, and to Mr. DAVIS and the Republican leadership for allowing this bill to come to the floor. I also want to thank Senator ISAKSON for handling this bill in the Senate and having it passed.

Sergeant First Class Robert ''Bobby'' Lee Hollar, Jr., was a loving husband, father of two, son, and friend. He was a respected and loved brother in arms to his brother soldiers in E Troop 108th Calvary of the 48th Brigade of the Georgia National Guard and was mobilized and deployed as part of the U.S. Army Force Command in Operation Iraqi Freedom.

Sergeant First Class Hollar arrived in Kuwait in May of 2005, and only 10 days later went into Baghdad with his fellow troops. His unit moved down to assist with missions in the Triangle of Death, and he patrolled out of his Forward Operating Base Michael south of Baghdad in mid-June 2005. His unit faced tough, hostile conditions in the Triangle of Death.

On September 1, 2005, while on patrol, Sergeant First Class Hollar's vehicle was struck by a powerful improvised explosive device. Although he survived at the scene and was evacuated to the field hospital for emergency surgery and treatment, his injuries were too severe for him to survive. He died later that day, leaving his wife Amanda, his 2-year-old son Wesley, and another son by a previous marriage.

Sergeant First Class Hollar was awarded the Purple Heart and Bronze Star. He was awarded various service and achievement awards as well.

Sergeant First Class Hollar was assigned to the Jonesboro, Georgia, Postal Facility and had taken up residence in Thomaston, Georgia. Sergeant First Class Hollar had become a pen pal for students at Crescent Middle School in Griffin, Georgia. In May of 2005, Sergeant Hollar visited the middle school and was accompanied by his then 1-year-old son, Wesley.

Sergeant Hollar touched the lives of the fourth and fifth grade classes with whom he was a pen pal. These children became very attached to Sergeant Hollar as he continued to write them from Iraq.

On September 2, 2005, their teacher, Katie Cobb, was unfortunately faced with the tough task of sharing the horrible news that their friend, Sergeant Hollar, had died from an explosive device that hit his vehicle.

That fourth grade class had the chance to know a true American hero. Sadly, when the class heard of Sergeant Hollar's death, they learned a tragic but important lesson about the high cost of defending freedom.

According to Ms. Cobb, the students all started crying and were very upset about Sergeant Hollar's death. Ms. Cobb stated that she was proud that her students became even more appreciative of their freedom from knowing Sergeant Hollar. After his death, the students proceeded to write their government officials asking that his memory be carried on by having the Thomaston Post Office named in his honor.

It is a rare occasion when a post office can be named for such a wonderful individual who was an active postal employee and Active Duty servicemember who died while serving his country as an American hero.

Mr. Speaker, I ask that all Members would support S. 4050 in honor of this great man.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, as a member of the Government Reform Committee, I am pleased to join my colleague in consideration of S. 4050, a bill to designate the facility of the United States Postal Service located at 103 Thompson Street in Thomaston, Georgia as the Sergeant First Class Robert Lee ''Bobby'' Hollar, Jr, Post Office Building.

S. 4050, sponsored by Senator JOHNNY ISAKSON, passed the Senate by unanimous consent on December 6, 2006.

Robert Lee ''Bobby'' Hollar was born in Woodstock, Virginia. Hollar served in the Georgia National Guard's 108th Infantry Brigade Calvary Division based out of Griffin, Georgia, as a tank commander in Iraq. Prior to his service in the 108th Calvary Regiment, Hollar was a member of the 82nd Airborne Division, and he was a military scout before that.

Mr. Hollar also was a dedicated public servant. He served as a devoted postal letter carrier for years before being deployed to Iraq.

Mr. Hollar was killed in Iraq on September 1, 2005, when a roadside improvised explosive device exploded along the Humvee in which he was riding. Mr. Hollar was 35 years old when he was killed in action. No greater service can one give to their country than to be killed in its defense. I urge passage of this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TOM DAVIS of Virginia. 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 Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the Senate bill, S. 4050.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR A SEVERANCE PAYMENT FOR EMPLOYEES OF LEADERSHIP OFFICES AND COMMITTEES OF THE HOUSE

Mr. EHLERS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1104) providing for a severance payment for employees of leadership offices and committees of the House of Representatives who are separated from employment solely and directly as a result of a change in the party holding the majority of the membership of the House.

The Clerk read as follows:

H. RES. 1104

Resolved,

SECTION 1. SEVERANCE PAY FOR COMMITTEE AND LEADERSHIP STAFF DISPLACED BY CHANGE IN MAJORITY PARTY STATUS.

(a) DEFINITIONS.—For purposes of this resolution, the following definitions apply:

(1) The term ''committee'' means a standing or select committee of the House of Representatives or a joint committee of the Congress whose funds are disbursed by the Chief Administrative Officer of the House of Representatives.

(2) The term ''eligible displaced staff member'' means an individual described as follows:

(A) The individual is separated from employment with a committee or a leadership office solely and directly as a result of a change in the party holding the majority of the membership of the House, as certified by the chair of the committee or head of the leadership office (as the case may be).

(B) Prior to the date of the separation from employment described in subparagraph (A), the individual was an employee of the committee or leadership office involved for not fewer than 183 days (whether or not service was continuous).

(C) During the period of the individual's employment, the individual's pay was disbursed by the Chief Administrative Officer.

(3) The term ''leadership office'' means the Office of the Speaker, the Office of the Majority Leader, the Office of the Minority Leader, the Office of the Majority Whip, and the Office of the Minority Whip.

(b) PAYMENT.—

(1) ELIGIBILITY FOR SEVERANCE PAYMENT.—In accordance with regulations prescribed by the Committee on House Administration, each eligible displaced staff member, upon application to the Chief Administrative Officer, shall continue to be paid at the eligible displaced staff member's respective salary for a period not to exceed 60 days following the date of the of separation from employment (as described in subsection (a)(2)) or until the eligible displaced staff member becomes otherwise gainfully employed, whichever is earlier.

(2) ACCEPTANCE OF STATEMENT OF LACK OF GAINFUL EMPLOYMENT.—A statement in writing by an eligible displaced staff member that the member was not gainfully employed during any period or portion thereof for which payment is claimed under this subsection shall be accepted as prima facie evidence that the member was not so employed.

(c) NOTIFICATION OF ELIGIBLE INDIVIDUALS.—The Chief Administrative Officer shall notify the Committee on House Administration of the name of each eligible displaced staff member.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the applicable accounts of the House of Representatives such sums as may be necessary for making payments under this resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. EHLERS) and the gentlewoman from California (Ms. MILLENDER-MCDONALD) each will control 20 minutes.

Mr. FLAKE. Mr. Speaker, I am opposed to the bill. I would like to claim time in opposition to the bill.

The SPEAKER pro tempore. Is the gentlewoman from California opposed to this bill?

Ms. MILLENDER-MCDONALD. No, I am not.

The SPEAKER pro tempore. The gentleman from Arizona, pursuant to the rule, will control the 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of this resolution.

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

There was no objection.

Mr. EHLERS. Mr. Speaker, this bill has been submitted at the request and suggestion of the current minority leader and soon-to-be majority leader, and because of that situation I reserve the balance of my time and yield such time as she may consume to the gentlewoman from California (Ms. MILLENDER-MCDONALD) to allow her, the ranking member and the cosponsor of the bill, to speak on the resolution.

□ 2245

Ms. MILLENDER-MCDONALD. Mr. Speaker, Speaker-designate PELOSI has indicated that she intends to usher in a new direction and spirit in this House, a spirit which opens doors and encourages mutual recognition, trust and respect among all Members and their staffs. Likewise, she has signaled that this House, as a two-century-old institution, is held in trust for all Members as a place to debate and formulate national policy and to carry out the people's business.

Mr. Speaker, on November 7, the American people spoke loudly with their votes, and they said that they wanted a new direction in this national legislature. For many years, the sharp edge of partisanship and party interests have permeated the very fabric of this very body, its rules and its operations.

Speaker-designate PELOSI intends to change that in the legislative arena, while acknowledging the improvements made in the administrative arena during the last decade. The House has enhanced its bookkeeping and become more efficient in its operations. These are important improvements, irrespective of which party controls the House. Retention of House officers during transition recognizes continuing institutional interests which transcends party interests. That is a new direction.

And this resolution, sponsored by Chairman EHLERS and myself on behalf of our respective leaderships, is a new direction as well. This resolution recognizes that the displacement attendant to a change in majority is unpredictable and beyond the control of individuals.

This resolution further provides for up to 60 days of severance for leadership and committee staff displaced by a change in majority party status. This resolution follows the Senate model, promotes civility, and acknowledges the direct institutional contribution made by displaced House leadership and committee staff.

This is the kinder, gentler side of an institution weakened over the last decade by partisan strife. This is just one of many new directions intended to begin the process of healing in the House.

This is a sign that good faith and bipartisanship or nonpartisanship can help bridge the gap of past partisan differences. This is an acknowledgment that people matter as much as systems, that outcomes are as important as processes.

This is a small step toward a greater goal, and Speaker-designate PELOSI intends to achieve that goal, while acknowledging and respecting each Member's beliefs and values and perspectives.

I am pleased to be on the ground floor of this institutional rebuilding process, and I thank my chairman for his able, fair and balanced leadership on this resolution. It is a new direction worthy of all Members' support, and I urge passage of this resolution.

The SPEAKER pro tempore. The Chair would inform the gentleman from Michigan (Mr. EHLERS) that you yielded time to the ranking member.

Mr. FLAKE. Mr. Speaker, may I inquire, how much time do I have?

The SPEAKER pro tempore. The gentleman from Arizona controls 20 minutes.

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

Mr. Speaker, I didn't learn about this, nor do I believe most of my colleagues did, until just minutes ago, if not an hour or so ago. This is not the way to conduct business.

It is one thing to have a policy, a long-term policy on severance packages, but to spring it in the middle of night on the last day of session is simply the wrong way to do business.

My understanding is that this would apply to leadership staff and committee staff, but not regular personal offices. Could somebody please tell me how that is fair?

If you are just talking about fairness, how is it fair to say to somebody from a personal office, your boss lost, you haven't got a severance? But, oh, if you happened to work for a committee or if you are lucky enough to work for leadership staff, you have a package. How is that fair?

We are often accused in Congress of having a package that members of the general public don't have. In doing this, we are offering a package that some people in Congress have and some people in Congress don't have, let alone the rest of the population. How is that fair? Why are we doing business this way in the middle of the night on the last day of session?

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

The SPEAKER pro tempore. The gentleman from Michigan (Mr. EHLERS) has 16 minutes remaining.

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

As colleagues, we often disagree on many issues with our friends on the other side of the aisle; but we can all agree that we are blessed by a tireless, dedicated workforce in this Congress. And whenever there is a transfer of power of this sort, there is a tremendous dislocation amongst our staff.

I think it is entirely reasonable to do as we did to a certain extent in 1994, as the Senate did in 2004, when there is a dramatic change of leadership, to provide a period of time for the staff to adjust to that changing situation. So I believe this is an appropriate measure, and I encourage the House to act favorably for it.

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

Mr. FLAKE. Mr. Speaker, before yielding to my next speaker, I was just informed that we don't even know what this will cost. We still don't have a cost estimate. If somebody has one, that would be great if we can have it.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ISSA).

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

Mr. ISSA. Mr. Speaker, this is one of those dark-of-the-night type pieces of legislation, and I am going to oppose it not because I haven't had to personally lay off three committee staff as I went from the majority to the minority on my subcommittee, but in fact because it is not well thought out. It has not gone through the legislative process it should, and it is not a precedent we want to set haphazardly.

The United States Congress is often accused of not even paying into Social Security when in fact for decades we have been part of it. The American people have a lack of confidence that we are run in a uniform and predictable way, and this is just another example of exactly that.

We don't provide moving expenses, we don't provide per diem or reimbursements that other branches of government do; and yet, on a selective basis, without a cost assessment, we are being asked to throw in something.

As a Member of the majority, the party that is in fact going to be laying these people off, I appreciate the sympathy of the minority in this effort, and I am not without some appreciation for what they are offering, but if they are going to do this, let us do it in a thoughtful, legislative fashion and let us absolutely make sure that it is something that will pass the test of the American people as a uniform policy for government employees of this body.

So I ask that this bill be defeated and a thoughtful and proper bill be brought back to the floor.

Mr. EHLERS. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD) and ask unanimous consent that she may control that time.

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

There was no objection.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution parallels the Senate resolution. I am amazed that here we are at Christmastime and staff is moving, transitioning on to unemployment, that we cannot at least be sensitive to giving them some type of severance pay. We are talking about staff that has worked so hard in this House and has helped us have the successes that we have had.

So I urge my colleagues to not defeat this bill. This bill is to suggest to those staff members and leadership staff that we appreciate the work that they have done. Many of these staff members might get the job the next day so we will reduce that severance pay, but at least it is a step in the right direction. I urge support for this resolution.

Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY. Mr. Speaker, you know, whether we are Republicans or Democrats, we are all working people, working with the staffs on the Republican side and the Democratic side. Here we are. There is a change. None of us know whether we are going to be reelected in 2 years. That is a risk that we all take.

But for the staff who have worked so hard for all of us on all of our issues, we certainly should be looking at this as positive legislation.

I have worked so many times with my Republican colleagues with their staff members and we have worked certainly well together on so many issues, but that is not the point. The point is these are people that have devoted their lives to public service. We don't even pay them enough. Any one of them can go into the private sector and earn a heck of a lot more money.

So here we are at the end of a session, 11:00, almost 12:00 at night, and we are going to deny severance pay to those who have served this country so well.

I urge my colleagues, no matter what our differences are, these people have done great service to this Nation and they certainly deserve severance pay.

I hope that this Congress and certainly the Members here will put themselves in a position of what their staff might be 2 years from now. These are people that are devoted to each and every one of us. They have served each and every one of us. They have served this Nation. I hope we can pass this resolution and give them a severance pay.

Mr. FLAKE. Mr. Speaker, before yielding to the gentleman from Arizona, let me point out that there were some 30 offices, and with retirements even more than that, personal staff who will be out on the street with no severance package at all. Again, we are picking winners and losers. Winners are those who work in leadership offices or on committee staff. If you are in a personal office, tough luck.

This is just not well thought out in the middle of the night to be doing this, and with no cost estimate.

Mr. Speaker, I yield 2½ minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Speaker, I agree with the sponsor of this measure and my colleagues on the other side of the aisle that we are blessed by great staff who give tirelessly.

But I would suggest this is not a debate about whether or not we should have an appropriate severance plan for employees who lose their jobs because one party or the other loses the majority.

It is not that debate at all. Indeed, we will be back here on the 4th of January and we can deal with the issue of an appropriate severance package at that time in a thoughtful way in the sunlight of day when the American public can watch what is going on, when it is not, as the gentlewoman who spoke just before me stated, near 11, approaching midnight, on the last day.

I would say that indeed, it is inexcusable for us to have brought this package to the floor at this late moment. We have been here all this week. We came in on Tuesday; we could have proposed this idea then. I only learned of this notion literally less than an hour ago.

And as I got on the elevator to come to the floor to vote on the measure we voted on just 30 minutes ago, I chatted with several people on the elevator, not a one of them was aware this was up for debate or consideration.

I think it is very, very important to understand that we have an obligation to be stewards of the public's money.

It was noted earlier in the debate that this parallels the Senate plan; but I would suggest that the Senate plan was not adopted in the middle of night on the last day of the session without notice to the public and without hearings. The Senate plan, as the other side and as the sponsor of this measure have pointed out, the Senate plan has been in place for months.

By all means, we should carefully consider an appropriate severance plan for our employees. But we ought not to do it in the middle of the night.

As the gentleman has pointed out, there is a fundamental unfairness in this proposal which I would suggest would not be there if we had debated this in the daylight with hearings as we should. That is that this severance package is reserved to leadership staff and committee staff. They are the best paid staff. Unfortunately, Americans across the country don't know this, but those of us who work here do, leadership staff and committee staff, those are the best, most sought-after jobs on the Hill. They are the best paid jobs on the Hill, and we are going to give them severance pay but not severance pay to the individual employees who work in a Member's office? It is fundamentally unfair and indefensible.

□ 2300

Mr. EHLERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Speaker, I want to remind my colleagues on the other side that many bills have been passed in the cloak of night that were adverse to the American people. What we are saying tonight is that this resolution is for those hard-working workers who have given so much to this House, and for us to deny them, and especially these are Republican staff members, not Democratic staff members that we are talking about, and to deny this, to me is just absolutely unconscionable at this Christmastime.

I will urge you to reconsider this resolution and pass it as the Senate has passed their resolution to try to address those who are transitioning out because of a change in majority.

Ms. PELOSI. Mr. Speaker, will the gentlewoman yield?

Ms. MILLENDER-MCDONALD. I yield to the Speaker-designate, Ms. PELOSI.

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman for yielding. And I commend the chairman, Mr. EHLERS, and Ranking Democrat Congresswoman MILLENDER-MCDONALD for bringing this bill to the floor.

Mr. Speaker, I think it is important to note that the money contained in this bill, the severance pay, is 100 percent for the Republican staffers who will be losing their jobs. When the Democrats lost the Congress in 1994, there was so much unrest and uncertainty among those who served on committee staffs. Every one of us who is elected to Congress and our staffs know that we have a 2-year term and the period from the election day and the swearing in of the new Congress is our severance pay. We have a 2-year term; that is it.

But the professional staff of the committees serve from term to term, and in losing the majority, the Republicans have to dismiss many of their professional and other employees. So it is just a sense of fairness, I believe, that we in the soon-to-be-majority, but the minority, recognize the need for these families to have a severance pay. If they get employed between now and before the 2 months expire, they don't get the full amount. But this isn't about leadership and committee. It is about the Republican leadership and the Republican committee staff. And as Democratic leader, I think that the fair thing to do is to treat those families with the respect they deserve for the service that these people have given to our country.

It is hard. People don't know if they are going to make their mortgage payment or if they are going to pay the tuition installment or what, and this at least gives them 2 months of certainty if they do not find employment in the meantime.

So I want the record to be clear. This is about the Republicans. It is the appropriate thing to do for the Republican staff, and I urge our colleagues to support this act of fairness in supporting this legislation.

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

Mr. EHLERS. Mr. Speaker, I yield 4 minutes to the chairman of the Energy and Commerce Committee, the gentleman from Texas (Mr. BARTON).

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, this is the last evening that I will stand before this body, at least for a while, as chairman of the Energy and Commerce Committee, and there is still work that I have to do later this evening on several votes that we are still working on with the Senate, and I hadn't intended to speak on this, but I listened to the debate, and I felt compelled that at least one full committee chairman should come and speak in favor of this resolution.

I believe there are 18 standing committees of the House of Representatives, and the staff ratios on the committees is two-thirds Republican because we are in the majority and one-third Democrat because they are in the minority. Since the voters spoke in November, those ratios are going to switch. On the Energy and Commerce Committee, which is one of the larger standing committees, right now there are some 60-odd majority Republican staffers and some 30-odd minority Democrat staffers. Well, the Democrats are going to be staffing up, as they should, but it means that about half the Republican staff on the Energy and Commerce Committee is going to have to seek other employment, which is around somewhere between 30 and 35 people. Now, thanks to an agreement with the majority and the minority leadership of this Congress, for the first time we have agreed if this resolution passes to provide up to 2 months of severance pay for the majority staffers that have to be laid off.

If the Energy and Commerce Committee is reflective of the full Congress and that means that every other committee on the Republican side is losing approximately 30 staffers, that is about 540 staffers. I don't know what the leadership staff decline is, but let us say that is another 60. That is 600 Republicans who through no fault of their own are going to be out of a job December 31. If you take the average salary of about $75,000 or $80,000, and I do not know that that is the average but that is a pretty good guess, we are talking about a severance package, if everybody takes the full 2 months, of $10 million, give or take half a million dollars. I think that is fair.

Now, the question has been raised about this coming up in the dead of night. I read about this in Roll Call earlier this week. I didn't know it was coming up tonight as a resolution, but I read a story in Roll Call that the Speaker, Mr. HASTERT, and Ms. PELOSI had agreed to some sort of a severance package. And I instructed my staff that I certainly wanted to apply for the Republicans on the Energy Committee who could take advantage of this.

The reason we do not do it for personal staff is because you are either retiring and the Member knows that his staff has to find a job or you got defeated in an election and a new Member is coming in to take your place. But that office, that district, will still have the same number of staffers in the next Congress. It may be a different Congressman or Congresswoman.

Now, this may not be the perfect way to do it, but it is a good way to try to do it. And I would hope that the Republicans will vote for this because if anybody wanted to be partisan and vote ''no,'' it would be the Democrats. They are adding staff. This is something that benefits the current majority and our most loyal people, some of who could double and triple their salary if they didn't want to work on committees or professional staff. It is a small price to pay. If we need to find a better way to do it in the next Congress, because I certainly hope that I am going to be coming back 3 years from now as chairman of the committee and not as ranking member, let us do it. But let us please vote for this tonight.

Mr. FLAKE. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Speaker, I think the sentiment that we heard the chairman of the Energy and Commerce Committee just express, as well as the incoming Speaker of the House express, is deeply admirable. We are speaking about 600 men and women who have demonstrated their integrity and their commitment to public service in this Nation, and for that we are grateful.

But, Mr. Speaker, I say very humbly that this is still not the right way to reflect the will of the American people with regard to those capable men and women who have served our major committees and our leadership staff.

I am pleased to hear the incoming Speaker's sentiment for Republican staff, and I am confident that sentiment will be there in the early days of the 110th Congress. And well we should call it a night, Mr. Speaker, come back, and allow the people's House in an equitable and a thoughtful way to consider what the needs are of this Nation relative to all of the good men and women who have served this majority so ably, not merely in the leadership offices, not merely in the major committees, but even those excellent men and women who have served many of the colleagues for whom these waning moments will be their last moments in the House of Representatives. Let us do this right. Let us not do this tonight.

Mr. EHLERS. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I thank the chairman for yielding.

Like the gentleman from Arizona who has objected to this humanitarian measure during the holiday season, I am a relatively junior Member of this body, but I do recognize when there is a difference between decisions from the heart and decisions of the mind. It is past 11 o'clock, but believe me, I know something about late-night voting, and this is early for late-night voting. I know that we have 12 more bills to consider.

And I also know that from our office budgets, we could have allocated amounts of money for our personal staff if we chose to, and if the gentleman from Arizona chose to, he could pay severance for his employees out of his own pocket if he really wanted to.

The fact that this act of generosity, of humanitarianism during the holidays was taken should not be held up for political points.

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

I should say that we need to remember whose generosity we are relying on here, and it is the taxpayer.

And also to make a point of fairness, again, the chairman that spoke earlier, the gentleman from Texas, mentioned that there are some 600 staffers that are affected here. I would submit that there are more than 600 staffers in the personal offices who are affected here. And rather than the average salary of $60,000 to $80,000 or whatever that is, the average salary in a personal office is much, much lower. Are they not worthy? Is it a fault of their own that their bosses were not re-elected? Why are we choosing here between them? Why are we saying if you work in a leadership office, you are worthy of this; if you work in a personal office, you are not? That is what happens in the middle of the night when decisions like this are made. That is why we shouldn't do decisions like that when we are given notice minutes before it comes up on the floor.

Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Speaker, it is very unusual for me to watch C–SPAN on my television set in my office and decide this is something I want to come speak about it. It is rare for me to be on the House floor speaking about someone else's bills or speaking about an amendment. Usually when I am here, it is on a topic of interest and personal involvement from my committees and my involvement as a Member of Congress from a very rural community who is here to fight on behalf of rural America.

Well, tonight as I watched the debate on this issue, as I heard it explained, it is one of those issues that caused me to walk across the street to come talk about something that is gnawing at me.

We have talked about a double standard between the leadership staff, the committee staff, and our own personal staff. But to me the double standard is the way that Americans in the job market are not treated when they lose their job. What I see is that Americans, the taxpayers of this country, will see one more piece of evidence that Congress doesn't get it, that we are simply taking care of our own and forgetting the taxpayers, the Americans who go to work each and every day and those who may, through no fault of their own, lose their jobs.

So what I see tonight, as we discuss this issue, it is about a double standard that treats the American people differently from those who happen to work for Members of Congress, particularly in leadership or in committee staff positions. They are important. They are important to the process. They are important to good government. But the reality is we are here on behalf of the American people, on behalf of the American taxpayer, and those are the people we ought to be thinking about tonight as we debate how to spend the taxpayers' dollars.

It is easy to be generous with other people's money. Tonight we ought to remember it is the taxpayers' money that we are attempting to be generous with. Let us recognize that once again Congress should not create a special opportunity for people who happen to work here. Do not treat ourselves, do not treat our staffs differently from the American people.

Mr. EHLERS. Mr. Speaker, I yield 1 minute to the Speaker-designate.

Ms. PELOSI. Mr. Speaker, this legislation is probably one of the last opportunities I will have to enjoy the back and forth of debate on the floor of the House. And I can't resist coming to the defense of the Republican Members' committee staff people who will lose their jobs because of the results of the election.

But I want to make this point, standing up again, seeking recognition again: first I hear the distinguished gentlemen from various States stand up and say we shouldn't be spending this money, it is $10 million-plus, to give severance pay to families who have lost their jobs.

□ 2315

One hundred percent of those jobs will be lost by Republicans, so as the Democratic leader, I want to support the Republican employees getting the severance pay. Then I hear the gentlemen stand up and various ones say that we oppose the expenditure because it's not a good use of the taxpayers' money and why aren't you spending more to cover the personal offices? And the point is clear. All Members of Congress are elected for 2 years, our staffs understand it is a 2-year job and our opportunity to find employment is between November and January.

But all of this reminds me of a story that was told about Yogi Berra, which may or may not be a Yogi Berra story, because many stories are attributed to him. When asked about a particular restaurant, he said, ''I don't like to go there. The food's lousy. Besides, the servings are too small.''

That is really what this reminds me of. I am opposed to this spending of money because we shouldn't be spending money to help these families, and why aren't we spending more to help the other families?

This is really the fair thing to do. Again, I urge my colleagues to very forcefully support this act of fairness for the Republican committee staffers.

Mr. FLAKE. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

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

Mr. SOUDER. I would like to make several points:

First off, that committee staff knows there are elections every 2 years, too. I was a staff director in the minority before we became the majority and when the ranking member changed, all staff loses their job whether there has been an election or not. Yes, you could take your personal accounts for the losing Members and cover some. But the fact is so could committees. If they withheld funds, they could have done it as well.

I lose five staff. They have been very close to me. Many of them have been personal friends. They have had 2 months. It would be nice if they could have the extra months, but it is no more their right as higher-paid staff than personal office staff. We are not arguing to spend even more money. We are saying, how did you come up with the double standard? Why do leadership staff get the dollars, why do committee staff get the dollars and not the personal office? The budgets are the same. The elections are the same. You know the risks. In fact, for a committee the risks are higher, because you could change your ranking member, you could change your chairman. You could have your chairman switch subcommittees and the staff change. This is the nature of the business.

I think it is great to be generous with your own dollars, but when you're generous with the taxpayers' dollars, there are obligations with that. At the very least, there should have been a discussion. There should have been hearings. We hear that all the time. There should have been hearings. Sometimes there aren't. But at this point, at the last day, for us to come up here and give special benefits to the few, including some of my own staff, is just wrong.

I hope the Members give this a resounding ''no.''

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

Mr. FLAKE. Mr. Speaker, I would be glad to yield to anyone who can tell me that a committee staffer has a longer contract than somebody who works in a personal office. It is simply not the case. So the notion that a committee staffer should be treated differently is simply wrong. The gentleman from Indiana, I think, said it best. Nobody is here arguing that we shouldn't be generous. It is that when you come here in the middle of the night the last day of session, you rarely think things out very well and this isn't thought out very well. How can you say some people, we're just going to target who gets this benefit and who doesn't? This isn't how the public expects us to conduct our business.

As I mentioned before, we are already accused of having different rules for Congress than exist out there in the general public.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, will the gentleman yield?

Mr. FLAKE. Does the gentleman have an answer to the question I asked?

Mr. DANIEL E. LUNGREN of California. A partial answer to the question.

Mr. FLAKE. Yes, I would yield.

Mr. DANIEL E. LUNGREN of California. That is, on the night that Members found out that they were defeated,

their staffs knew they were out of a job. It is my information that a number of Republican staffers on some of the committees were not informed until just yesterday that they were out of a job because we didn't know what the staff ratios were going to be, we didn't know which people were going to have to be selected, and so just in that particular regard, they got far less notice.

I understand what the gentleman is doing here. I happen to be one of those who has been accused about not being concerned enough about staff, but the fact of the matter is, if we want small government to work well, we need to have good people to work here. I don't know why we are taking the time tonight to berate, in essence, our people, to suggest that somehow they knew this was coming.

Mr. FLAKE. I reclaim my time.

No one has berated anyone. I have worked with very, very able committee staff. Very, very able leadership staff. Also very able personal staff. That is not the point here. The point is if we want small government and we want it to work, let's not conduct it in the middle of the night on the last day of session. Let's actually come here in January and say, should we have a different severance package? Should it be different for committee staff? Should it be different for personal staff? But let's do it in the light of day. Let's do it with some kind of deliberation. That is all we are asking. No one is berating anyone's staff. No one is. That is the last thing on my mind or anyone who has spoken here.

So let's just step back. Please withdraw this resolution. Let's have a little more thought to this. I think the American people want us to deliberate. They want us to do it in the light of day, not at 11:40 at night, or 11:20 at night. We shouldn't be doing business this way.

With that, I yield back the balance of my time.

Mr. EHLERS. Mr. Speaker, the gentleman from Arizona said no one was being berated, but frankly I feel berated. This is not the middle of the night. We all know that. I never thought my fellow Republicans would accuse me of doing something in the middle of the night. I would have rather done it in the light of day but this just happened to be when it came up in the schedule.

This action, what we are doing here, does not preclude later action to take care of those problem cases in personal offices. That is beside the point. The point right now is we have a large number of committee staff who are learning fairly late in the game who it is that is being laid off; namely, those particular persons. They do not have the opportunity to suddenly rush out and find a job immediately.

Some committee chairmen have talked to me and are very concerned because they don't know whether they should use their leftover year-end funds for this purpose. Some of them have money left. Others do not. There is a huge inequity. This is an attempt to provide an equitable severance package. A severance package is not unusual in today's world. Ford Motor Company just bought out huge numbers of employees who they just wanted to get off the payroll. It is a very common practice. We are doing the proper thing to assure that everyone is treated equally in the committee staffs that are losing their jobs.

Mr. Speaker, in the little time I have remaining, I would like to recognize the gentleman from California for a closing statement.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman has 45 seconds.

Mr. DANIEL E. LUNGREN of California. The only thing I would suggest is please at this late hour, don't make some of our employees punching bags. I mean, the fact of the matter is some of these people just learned this week that they are not going to have employment. If you think it is an easy thing to try and find a job over the holidays, if you say come back in January, sure, let's give them more uncertainty. Let's give their families more uncertainty. Let's have them bear the burden of this.

And frankly at times we ought to be thinking of those people. I would just ask you to vote ''yes'' for this. Not for us, not for them, not for anybody in this House, but for the individuals who have served us well and their families.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. EHLERS) that the House suspend the rules and agree to the resolution, H. Res. 1104.

The question was taken; and (two-thirds of those voting having not responded in the affirmative) the motion was rejected.

DEPARTMENT OF STATE AUTHORITIES ACT OF 2006

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6060) to authorize certain activities by the Department of State, and for other purposes, as amended.

The Clerk read as follows:

H.R. 6060

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 ''Department of State Authorities Act of 2006''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Fraud prevention and detection account.
Sec. 3. Education allowances.
Sec. 4. Interference with protective functions.
Sec. 5. Persons excused from payment of fees for execution and issuance of passports.
Sec. 6. Authority to administratively amend surcharges.
Sec. 7. Extension of privileges and immunities.
Sec. 8. Removal of contracting prohibition.
Sec. 9. Personal services contracting.
Sec. 10. Proliferation interdiction support.
Sec. 11. Safeguarding and elimination of conventional arms.
Sec. 12. Imposition of sanctions to deter the transfer of MANPADS.
Sec. 13. Additional authorities.

SEC. 2. FRAUD PREVENTION AND DETECTION ACCOUNT.

Section 286(v)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1356(v)(2)(A)) is amended—

(1) in clause (i), by inserting ''or primarily'' after ''exclusively''; and

(2) by amending clause (ii) to read as follows:

''(ii) otherwise to prevent and detect visa fraud, including primarily fraud by applicants for visas described in subparagraph (H)(i), (H)(ii), or (L) of section 101(a)(15), in cooperation with the Secretary of Homeland Security or pursuant to the terms of a memorandum of understanding or other agreement between the Secretary of State and the Secretary of Homeland Security; and''.

SEC. 3. EDUCATION ALLOWANCES.

Section 5924(4) of title 5, United States Code, is amended—

(1) in the first sentence of subparagraph (A), by inserting ''United States'' after ''nearest'';

(2) by amending subparagraph (B) to read as follows:

''(B) The travel expenses of dependents of an employee to and from a secondary or post-secondary educational institution, not to exceed one annual trip each way for each dependent, except that an allowance payment under subparagraph (A) may not be made for a dependent during the 12 months following the arrival of the dependent at the selected educational institution under authority contained in this subparagraph.''; and

(3) by adding at the end the following:

''(D) Allowances provided pursuant to subparagraphs (A) and (B) may include, at the election of the employee, payment or reimbursement of the costs incurred to store baggage for the employee's dependent at or in the vicinity of the dependent's school during one trip per year by the dependent between the school and the employee's duty station, except that such payment or reimbursement may not exceed the cost that the Government would incur to transport the baggage in connection with the trip, and such payment or reimbursement shall be in lieu of transportation of the baggage.''.

SEC. 4. INTERFERENCE WITH PROTECTIVE FUNCTIONS.

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

''§ 118. Interference with certain protective functions

''Any person who knowingly and willfully obstructs, resists, or interferes with a Federal law enforcement agent engaged, within the United States or the special maritime territorial jurisdiction of the United States, in the performance of the protective functions authorized under section 37 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709) or section 103 of the Diplomatic Security Act (22 U.S.C. 4802) shall be fined under this title, imprisoned not more than 1 year, or both.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

''118. Interference with certain protective functions.''.

SEC. 5. PERSONS EXCUSED FROM PAYMENT OF FEES FOR EXECUTION AND ISSUANCE OF PASSPORTS.

Section 1(a) of the Act of June 4, 1920 (22 U.S.C. 214(a)) is amended—

(1) by striking ''or from a widow'' and inserting ''from a widow''; and

(2) by inserting ''; or from an individual or individuals abroad, returning to the United States, when the Secretary determines that foregoing the collection of such fee is justified for humanitarian reasons or for law enforcement purposes'' after ''such member'' the second place it appears.

SEC. 6. AUTHORITY TO ADMINISTRATIVELY AMEND SURCHARGES.

(a) IN GENERAL.—Beginning in fiscal year 2007 and thereafter, the Secretary of State is authorized to amend administratively the amounts of the surcharges related to consular services in support of enhanced border security (provided for in the last paragraph under the heading ''DIPLOMATIC AND CONSULAR PROGRAMS'' under title IV of division B of the Consolidated Appropriations Act, 2005 (Public Law 108–447)) that are in addition to the passport and immigrant visa fees in effect on January 1, 2004.

(b) REQUIREMENTS.—In carrying out subsection (a) and the provision of law described in such subsection, the Secretary shall meet the following requirements:

(1) The amounts of the surcharges shall be reasonably related to the costs of providing services in connection with the activity or item for which the surcharges are charged.

(2) The aggregate amount of surcharges collected may not exceed the aggregate amount obligated and expended for the costs related to consular services in support of enhanced border security incurred in connection with the activity or item for which the surcharges are charged.

(3) A surcharge may not be collected except to the extent the surcharge will be obligated and expended to pay the costs related to consular services in support of enhanced border security incurred in connection with the activity or item for which the surcharge is charged.

(4) A surcharge shall be available for obligation and expenditure only to pay the costs related to consular services in support of enhanced border security incurred in providing services in connection with the activity or item for which the surcharge is charged.

SEC. 7. EXTENSION OF PRIVILEGES AND IMMUNITIES.

(a) THE AFRICAN UNION.—Section 12 of the International Organizations Immunities Act (22 U.S.C. 288f–2) is amended—

(1) by inserting ''(a)'' before ''The provisions''; and

(2) by adding at the end the following:

''(b) Under such terms and conditions as the President shall determine, consistent with the purposes of this title, the President is authorized to extend, or enter into an agreement to extend, to the African Union Mission to the United States of America, and to its members, the privileges and immunities enjoyed by diplomatic missions accredited to the United States, and by members of such missions, subject to corresponding conditions and obligations.''.

(b) THE HOLY SEE.—Under such terms and conditions as the President shall determine, the President is authorized to extend, or to enter into an agreement to extend, to the Permanent Observer Mission of the Holy See to the United Nations in New York, and to its members, the privileges and immunities enjoyed by the diplomatic missions of member states to the United Nations, and their members, subject to corresponding conditions and obligations.

SEC. 8. REMOVAL OF CONTRACTING PROHIBITION.

Section 406 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4856) is amended by striking subsection (c).

SEC. 9. PERSONAL SERVICES CONTRACTING.

Section 504 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 6206 note) is amended—

(1) in subsection (a), by striking ''broadcasters, producers, and writers'' and inserting ''broadcasters and other broadcasting specialists''; and

(2) in subsection (c), by striking ''December 31, 2006'' and inserting ''December 31, 2007''.

SEC. 10. PROLIFERATION INTERDICTION SUPPORT.

(a) ASSISTANCE.—Consistent with section 583 of the Foreign Assistance Act of 1961 (22 U.S.C. 2349bb–2), as amended by subsection (c), the President is authorized to provide assistance to friendly foreign countries for proliferation detection and interdiction activities and for developing complementary capabilities.

(b) REPORT ON EXISTING PROLIFERATION DETECTION AND INTERDICTION ASSISTANCE.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report on proliferation and interdiction assistance.

(2) CONTENT.—The report required under paragraph (1) shall—

(A) specify in detail, including program cost, on a country-by-country basis, the assistance being provided by the Department of State to train and equip personnel in friendly foreign countries in the detection and interdiction of proliferation-related shipments of weapons of mass destruction, related materials and means of delivery, and dual-use items of proliferation concern; and

(B) specify, on an agency-by-agency basis, funding that is being transferred by the Department of State to other executive agencies to carry out such programs.

(c) INTERDICTION ASSISTANCE AMENDMENTS.—Section 583 of the Foreign Assistance Act of 1961 (22 U.S.C. 2349bb–2) is amended—

(1) in subsection (a)—

(A) by striking ''should ensure that'' and inserting ''shall ensure that, beginning in fiscal year 2007,'';

(B) by striking ''expended'' and inserting ''obligated''; and

(C) by striking ''that originate from, and are destined for, other countries'' and inserting ''to non-state actors and states of proliferation concern''; and

(2) by adding at the end the following new subsections:

''(c) COOPERATIVE AGREEMENTS.—In order to promote cooperation regarding the interdiction of weapons of mass destruction and related materials and delivery systems, the President is authorized to conclude agreements, including reciprocal maritime agreements, with other countries to facilitate effective measures to prevent the transportation of such items to non-state actors and states of proliferation concern.

''(d) DETERMINATION AND NOTICE TO CONGRESS.—The Secretary of State shall notify the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate in writing not more than 30 days after making a determination that any friendly country has been determined to be a country eligible for priority consideration of any assistance under subsection (a). Such determination shall set forth the reasons for such determination, and may be submitted in classified and unclassified form, as necessary.''.

SEC. 11. SAFEGUARDING AND ELIMINATION OF CONVENTIONAL ARMS.

(a) IN GENERAL.—The Secretary of State is authorized to secure, remove, or eliminate stocks of man-portable air defense systems (MANPADS), small arms and light weapons, stockpiled munitions, abandoned ordnance, and other conventional weapons, including tactical missile systems (hereafter in this section referred to as ''MANPADS and other conventional weapons''), as well as related equipment and facilities, located outside the United States that are determined by the Secretary to pose a proliferation threat.

(b) ELEMENTS.—The activities authorized under subsection (a) may include the following:

(1) Humanitarian demining activities.

(2) The elimination or securing of MANPADS.

(3) The elimination or securing of other conventional weapons.

(4) Assistance to countries in the safe handling and proper storage of MANPADS and other conventional weapons.

(5) Cooperative programs with the North Atlantic Treaty Organization and other international organizations to assist countries in the safe handling and proper storage or elimination of MANPADS and other conventional weapons.

(6) The utilization of funds for the elimination or safeguarding of MANPADS and other conventional weapons.

(7) Activities to secure and safeguard MANPADS and other conventional weapons.

(8) Actions to ensure that equipment and funds, including security upgrades at locations for the storage or disposition of MANPADS and other conventional weapons and related equipment that are determined by the Secretary of State to pose a proliferation threat, continue to be used for authorized purposes.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the authorities of the Secretary of Defense.

SEC. 12. IMPOSITION OF SANCTIONS TO DETER THE TRANSFER OF MANPADS.

(a) STATEMENT OF POLICY.—Congress declares that it should be the policy of the United States to hold foreign governments accountable for knowingly transferring MANPADS to state-sponsors of terrorism or terrorist organizations.

(b) DETERMINATION RELATING TO SANCTIONS.—

(1) IN GENERAL.—If the President determines that a foreign government knowingly transfers MANPADS to a foreign government described in paragraph (2) or a terrorist organization, the President shall—

(A) submit forthwith to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report containing such determination; and

(B) impose forthwith on the transferring foreign government the sanctions described in subsection (c).

(2) FOREIGN GOVERNMENT DESCRIBED.—A foreign government described in this paragraph is a foreign government that the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979, section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism.

(c) SANCTIONS DESCRIBED.—The sanctions referred to in subsection (b)(1)(B) are the following:

(1) Termination of United States Government assistance to the transferring foreign government under the Foreign Assistance Act of 1961, except that such termination shall not apply in the case of humanitarian assistance.

(2) Termination of United States Government—

(A) sales to the transferring foreign government of any defense articles, defense services, or design and construction services; and

(B) licenses for the export to the transferring foreign government of any item on the United States Munitions List.

(3) Termination of all foreign military financing for the transferring foreign government.

(d) WAIVER.—Notwithstanding any other provision of law, sanctions shall not be imposed on a transferring foreign government under this section if the President determines and certifies in writing to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that the furnishing of the assistance, sales, licensing, or financing that would otherwise be suspended as a result of the imposition of such sanctions is important to the national security interests of the United States.

(e) DEFINITIONS.—In this section:

(1) DEFENSE ARTICLE.—The term ''defense article'' has the meaning given the term in section 47(3) of the Arms Export Control Act.

(2) DEFENSE SERVICE.—The term ''defense service'' has the meaning given the term in section 47(4) of the Arms Export Control Act.

(3) DESIGN AND CONSTRUCTION SERVICES.—The term ''design and construction services'' has the meaning given the term in section 47(8) of the Arms Export Control Act.

(4) FOREIGN GOVERNMENT.—The term ''foreign government'' includes any agency or instrumentality of a foreign government.

(5) MANPADS.—The term ''MANPADS'' means—

(A) a surface-to-air missile system designed to be man-portable and carried and fired by a single individual; or

(B) any other surface-to-air missile system designed to be operated and fired by more than one individual acting as a crew and portable by several individuals.

SEC. 13. ADDITIONAL AUTHORITIES.

(a) WAR RESERVES STOCKPILE.—

(1) DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005.—Section 12001 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1011), is amended—

(A) in subsection (a)(2)(D), by striking ''as of the date of enactment of this Act,''; and

(B) in subsection (d), by striking ''2'' and inserting ''4''.

(2) FOREIGN ASSISTANCE ACT OF 1961.—Section 514(b)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)) is amended—

(A) in subparagraph (A)—

(i) by striking ''$100,000,000'' and inserting ''$200,000,000''; and

(ii) by striking ''2004 and 2005'' and inserting ''2007 and 2008''; and

(B) in subparagraph (B), by striking ''$100,000,000'' and inserting ''$200,000,000''.

(3) EFFECTIVE DATE.—The amendment made by paragraph (1)(B) takes effect on August 5, 2006.

(b) EXTENSION OF AUTHORITY TO PROVIDE LOAN GUARANTEES.—Chapter 5 of title I of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11), is amended in the item relating to ''LOAN GUARANTEES TO ISRAEL''—

(1) in the matter preceding the first proviso, by striking ''September 30, 2007'' and inserting ''September 30, 2011''; and

(2) in the second proviso, by striking ''September 30, 2007'' and inserting ''September 30, 2011''

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

The Chair recognizes the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Speaker, this legislation, the Department of State Authorities Act of 2006, contains several important provisions that will positively impact upon the safety of our country and our citizens and promote good governance.

The legislation has been worked out in a bipartisan way with my friend and colleague from California (Mr. LANTOS) and enjoys, I believe, very strong support on both sides of the aisle.

One provision, Mr. Speaker, would give the Secretary of State needed flexibility in spending fraud prevention and detection fund moneys to permit investigation of a broader array of fraud, including fraud in connection with terrorist activity. Another would allow for the waiver of fees for passports when U.S. citizens are caught in difficult situations abroad, such as those who were victims of the 2004 tsunami. A criminal provision provides for penalties when an individual interferes with a Secret Service agent protecting a foreign dignitary. And passage of the bill would give the President authorization to extend privileges and immunities to the Holy See's Observer Mission to the United Nations and to the African Union's newly established diplomatic mission to the United States.

Mr. Speaker, the manager's amendment would also establish the outlines of two programs under the Foreign Assistance Act. One would provide for greater international cooperation with friendly foreign governments with respect to the interdiction of dangerous cargo. The second would authorize an accelerated program to secure and eliminate particularly dangerous conventional weapons, such as man-portable air defense systems, commonly referred to as MANPADS. I would point out parenthetically that it was Colin Powell in one speech who said that the largest danger, the most acute danger to aviation, whether it be criminal or whether it be military or civilian, are these stinger-like MANPADS. They are very, very dangerous and there are hundreds of thousands of those out. They are very much in the black market. If terrorists get their hands on those, we are in serious trouble. Under the bill's provisions, sanctions could be imposed on foreign governments who knowingly transfer such weapons to terrorists.

Finally, the bill would extend the duration of certain types of assistance we have been providing to Israel for a number of years. Specifically, the bill would extend for an additional 2 years the authorization provided in the Department of Defense Appropriations Act of 2005 for the United States to transfer to Israel obsolete or surplus stocks in the war reserve stockpile located in Israel.

Similarly, the bill would extend for an additional 4 years a provision in the Emergency Wartime Supplemental Appropriations Act of 2003 to provide loan guarantees to Israel, the authorization of which is scheduled to expire.

Mr. Speaker, let me just say briefly, I do regret that the bill does not contain an important provision for the reform of the Foreign Service compensation system, a very, very well-worked-out piece of legislation, but regrettably that was dropped from the bill.

I include an exchange of correspondence relating to this bill.

DECEMBER 8, 2006.

Hon. TOM DAVIS,
Chairman, Committee on Government Reform, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the bill, H.R. 6060, the ''Department of State Authorities Act of 2006.'' The Committee on International Relations ordered the bill reported favorably on September 13, 2006.

There are certain provisions within the bill that will be considered by the House today that fall within the jurisdiction of the Committee on Government Reform. In the interest of permitting the Committee on International Relations to proceed expeditiously to floor consideration of this bill, I request that your Committee waive its right to sequential referral on this matter. I understand that such a waiver only applies to this language in the bill and not to the underlying subject matter.

I appreciate your willingness to allow us to proceed. I will insert this exchange of letters into the Congressional Record during the debate on this bill.

Sincerely,

HENRY J. HYDE,
Chairman.

DECEMBER 8, 2006.

Hon. HENRY J. HYDE,
Chairman, Committee on International Relations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On September 13, 2006, the Committee on International Relations ordered reported favorably to the House H.R. 6060, the ''Department of State Authorities Act of 2006.'' Thank you for consulting with the Committee on Government Reform on those matters in H.R. 6060 within the Committee's jurisdiction. I am writing to confirm our mutual understanding with respect to the consideration of H.R. 6060.

In the interest of expediting the House's consideration of H.R. 6060, the Committee on Government Reform did not request a sequential referral of the bill. However, the Committee did so only with the understanding that this procedural route will not prejudice the Committee's jurisdictional interest and its prerogatives in this bill or similar legislation.

I request that you include our exchange of letters on this matter in the Congressional Record during consideration of this bill on the House floor. Thank you for your attention to these matters.

Sincerely,

TOM DAVIS,
Chairman.

At this point, Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I rise in strong support of this resolution, and yield myself such time as I may consume.

Mr. Speaker, today we are considering a scaled-down State Department Authorities bill, the State Department Reform Act of 2006, authored by our distinguished vice chairman, Mr. SMITH of New Jersey.

This legislation, while compact, contains a number of critical authorities needed by the Secretary of State to strengthen American diplomacy.

Perhaps most importantly, Mr. Speaker, this measure would provide the Secretary of State with expanded authority to retain fees to support the vastly expanded efforts of the Department to fight visa fraud and secure America's borders.

This measure also includes enhanced law enforcement authority to improve the ability of our diplomatic security agents to protect diplomats and officials.

It also provides authority needed to set in place reciprocal agreements that will provide our diplomats assigned to represent the United States to the African Union with customary immunities.

In addition, it renews expiring contracting authority that is required to keep our Middle East broadcasting, Radio Free Asia and Voice of America programming on the air.

Mr. Speaker, this legislation is strongly supported by our Secretary of State, Dr. Condoleezza Rice, who has urged us to pass it before the conclusion of the current session.

Mr. Speaker, this legislation provides some timely and critical new and expanded authorities that will strengthen U.S. diplomacy. I strongly support its passage and I urge my colleagues to do so as well.

Mr. Speaker, I yield back the balance of my time.

□ 2330

Mr. SMITH of New Jersey. Mr. Speaker, before yielding back, this is one of the last bills, if not the last bill, that the IR committee will consider tonight. I would just like to say as the vice chairman of the Subcommittee on Africa, Global, Human Rights and International Relations, I would just say a brief word about our distinguished chairman, Chairman HYDE.

Mr. Speaker, the House just isn't going to be the same without HENRY HYDE, one of the rarest, most accomplished and most distinguished Members of Congress ever to serve. HENRY HYDE is a class act. He is a man of deep and abiding faith. He is generous to a fault, and he has an incisive mind that works seamlessly with his incredible sense of humor. He is a speaker of truth in a society that all too often is willing to accept cheap sophism, the plausible and the fraudulent.

He is a man who inspires and challenges all of us to look beyond surface appeal arguments, and HENRY HYDE compels us to take seriously the admonitions of holy scripture to care for the downtrodden, the vulnerable and least of our brethren. The ''Almanac of American Policy'' has written that HENRY HYDE is one of the most respected and intellectually honest Members of the House and has proven himself as one of the most eloquent Members as well. His speeches, they point out, and I agree, are classics.

Mr. Speaker, in abortion debates HENRY HYDE remains the great defender of children and their moms, the champion of the most fundamental of all human rights, the right to life. Because of the Hyde amendment, countless young children and adults walk on this Earth. They have had an opportunity to prosper now, and they were spared the destruction when they were most at risk. With malice towards none, HENRY HYDE took to this microphone to politely asked us to show compassion and respect, even love for the innocent and inconvenient baby who was about to be annihilated. In one speech on the floor he pointed out how important it was to be inclusive to welcome the stranger.

As we all know, Congressman HYDE was a Congressman and is a Congressman for 32 years, chairman for 6 of Judiciary, chairman of the IR for 6 years as well. He has been a prodigious lawmaker, with uncanny skill, determination and grace. He has crafted numerous bipartisan laws and commonsense policies that have lifted people out of poverty, helped obliterate disease, criminals off the street and has been magnificent in the defense of democracy and freedom both here and overseas.

Finally, one of his many legislative accomplishments includes his authorship of the President's emergency plan for AIDS relief, PEPFAR, a 5-year $15 billion plan to combat HIV/AIDS, tuberculosis, and malaria. During those committees and debates on the floor, Chairman HYDE was persuasive and highly incisive as he compared the HIV/AIDS crisis to the bubonic plague of the 14th century, the Black Death, and challenged us to enact a comprehensive program, which we did, to rescue the sick, assist the dying and prevent the contagion spreading. Having served with this brilliant one-of-a-kind lawmaker for the past 26 years, I hope HENRY HYDE knows that I and so many others will truly miss him. He is as irreplaceable as irreplaceable can get.

Mr. Speaker, I yield to my good friend from California (Mr. ROYCE).

Mr. ROYCE. I thank the gentleman for yielding.

Mr. Speaker, very briefly, I rise in support of the bill. This bill contains many important provisions affecting the State Department. I am going to confine my remarks to one section of the bill. I serve as the chairman of the Subcommittee on International Terrorism and Nonproliferation. One of the issues that the subcommittee has focused on is the threat posed by shoulder-fired missiles known as MANPADS.

These weapons in the hands of terrorists are a deadly threat to civilian aviation. Unfortunately, these weapons, manufactured in China, Bulgaria, North Korea and elsewhere are proliferating, as we heard in the hearing earlier this year. In 2002 a shoulder-fired missile was shot at an Israeli airliner in Kenya which managed to escape unscathed. Unfortunately, the potential exists for many successful attacks.

The downing of a commercial airliner would take a terrible toll in human life and be a big blow to the world economy. That is why I introduced the Shoulder-Fired Missile Threat Reduction Act of 2006, which has bipartisan support.

Key portions of this act are included in this bill that we are considering tonight. It sanctions countries that knowingly transfer these missiles to terrorist organizations or state sponsors of terrorism, such as Iran and Iran. MANPADS in the hands of terrorists is a serious threat that warrants a serious response. This bill puts producing and proliferating countries on notice. I urge its passage.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 6060, as amended.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SUSPENSION OF LIMITATION ON PERIOD FOR WHICH BORROWERS ARE ELIGIBLE FOR GUARANTEED ASSISTANCE

Mr. BOUSTANY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 4093) to amend the Farm Security and Rural Investment Act of 2002 to extend a suspension of limitation on the period for which certain borrowers are eligible for guaranteed assistance.

The Clerk read as follows:

S. 4093

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

SECTION 1. SUSPENSION OF LIMITATION ON PERIOD FOR WHICH BORROWERS ARE ELIGIBLE FOR GUARANTEED ASSISTANCE.

Section 5102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1949 note; Public Law 107–171) is amended by striking ''December 31, 2006'' and inserting ''September 30, 2007''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. BOUSTANY) and the gentleman from Louisiana (Mr. MELANCON) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana.

GENERAL LEAVE

Mr. BOUSTANY. Mr. Speaker, I ask unanimous consent that all Members

have 5 legislative days within which to revise and extend their remarks.

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

There was no objection.

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

Mr. Speaker, I rise in support of the bill, S. 4093. This bill will modify the expiration date of a provision of a farm bill dealing with farm credit so that it expires concurrent with the rest of the farm bill. Currently a provision of the farm bill dealing with guaranteed loans for farmers and ranchers expires on December 31 of this calendar year.

The rest of the farm bill, however, does not begin to expire until December 30 of 2007. By passing this bill, we are ensuring that this credit program has the opportunity to be fully debated during the development of the next farm bill. Furthermore, should this provision expire in the next few days, it would create a hardship on the part of those farmers, ranchers, and lenders to whom it would apply.

I ask my colleagues to support this bill so that this credit program which is so important for America's young and beginning farmers has the opportunity to be debated and reevaluated during the development of the next farm bill without causing undue hardship with limited notice to the farmers and ranchers that use this important program.

Mr. Speaker, I urge the passage of this bill, and I reserve the balance of my time.

Mr. MELANCON. Mr. Speaker, I join with Mr. BOUSTANY and rise in support of Senate bill 4093. I would like to thank the leadership of the Senate Agriculture Committee for sending this bill over to us. This bill is just an extension of the term limit waiver until September 30, 2007. It will allow us to fully discuss the issue of guaranteed loan eligibility during the farm bill.

Passage of this legislation will ensure farmers and ranchers won't be left without financing options with little or no notice.

Mr. Speaker, this is especially important in areas suffering from crop and livestock disasters the last several years. I urge the passage of this legislation.

Mr. GOODLATTE. Mr. Speaker, I rise in support of S. 4093. This bill will modify the expiration date of a provision of the farm bill dealing with farm credit so that it expires concurrent with the rest of the farm bill. Currently, a provision of the farm bill dealing with guaranteed loans for farmers and ranchers expires on December 31 of this year. The rest of the farm bill, however, does not begin to expire until September 30, 2007. By passing S. 4093, we are ensuring that this credit program has the opportunity to be fully debated during the development of the next farm bill. Should this provision expire in the next few days, it could create hardship on the part of those farmers, ranchers and lenders to whom it would apply. I ask my colleagues to support S. 4093 so that this credit program, which is important for America's young and beginning farmers, has the opportunity to be debated and reevaluated during development of the next farm bill without causing undue hardship with limited notice to the farmers and ranchers that use this important program.

Mr. MELANCON. Mr. Speaker, I yield back the balance of my time.

Mr. BOUSTANY. 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 Louisiana (Mr. BOUSTANY) that the House suspend the rules and pass the Senate bill, S. 4093.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

PREVENTING HARASSMENT THROUGH OUTBOUND NUMBER ENFORCEMENT ACT

Mr. CANNON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5304) to amend title 18, United States Code, to provide a penalty for caller ID spoofing, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5304

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 ''Preventing Harassment through Outbound Number Enforcement Act''.

SEC. 2. CALLER ID SPOOFING.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''§ 1039. Caller ID spoofing

''(a) IN GENERAL.—Whoever knowingly modifies caller ID information with the intent to defraud or harass another person, or to use another person's caller ID information without consent, shall be fined under this title, imprisoned for not more than five years, or both.

''(b) ATTEMPT; CONSPIRACY.—Whoever attempts or conspires to commit an offense under subsection (a) of this section shall be punished as provided in subsection (a) of this section.

''(c) EXCEPTIONS.—This section does not prohibit the following:

''(1) Any blocking of caller ID information.

''(2) Any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or of an intelligence agency of the United States, or any activity authorized under chapter 224 of this title.

''(d) DEFINITIONS.—(1) In this section:

''(A) The term 'caller ID information' means information transmitted—

''(i) by a service or device;

''(ii) to the recipient of a telephone call; and

''(iii) regarding the telephone number of, or other information regarding the origination of, the telephone call.

''(B) The term 'telephone call' means a call made using a telecommunications service or VOIP service.

''(C) The term 'VOIP service' means a service that—

''(i) provides real-time 2-way voice communications transmitted through customer premises equipment using Transmission Control Protocol/Internet Protocol, or a successor protocol (including when the voice communication is converted to or from Transmission Control Protocol/Internet Protocol by the VOIP service provider and transmitted to the subscriber without use of circuit switching), for a fee;

''(ii) is offered to the public, or such classes of users as to be effectively available to the public (whether part of a bundle of services or separately); and

''(iii) has the capability to originate traffic to, and terminate traffic from, the public switched telephone network.

''(D) The term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

''(2) A term used in a definition in paragraph (1) has the meaning given such term in section 3 of the Communications Act of 1934 (47 U.S.C. 153).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 47 of title 18, United States Code, is amended by adding at the end the following new item:

''1039. Caller ID spoofing.''.

PARLIAMENTARY INQUIRY

Mr. SCOTT of Virginia. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SCOTT of Virginia. The Reading Clerk has read the title of the bill. Does that mean it is the originally introduced bill without amendments?

The SPEAKER pro tempore. The Chair understands that the motion is to suspend the rules and pass the bill as amended.

Mr. SCOTT of Virginia. We have looked around the House for a bill, and we have been unable to find a bill in the Speaker's lobby or on the Speaker's desk, other than the introduced bill. Could someone explain to us what we are now considering?

Mr. CANNON. Mr. Speaker, I think that we have five copies at the desk currently.

The SPEAKER pro tempore. Someone will deliver a copy of the bill to the committee table.

Mr. CANNON. Mr. Speaker, we are having a copy directed to Mr. Scott. He has got it.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CANNON) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 5304, as amended, currently under consideration.

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

There was no objection.

Mr. CANNON. Mr. Speaker, I rise in support of H.R. 5304, the Preventing Harassment through Outbound Number

Enforcement Act, the PHONE Act, which was introduced by Representative TIM MURPHY. I thank Mr. MURPHY for his leadership and commitment to this issue.

In the last few years, the criminal activity known as ''spoofing'' has been on the rise. Caller ID spoofing occurs when a person deliberately uses an incorrect, fake or fraudulent caller identification to hide their identity in order to facilitate a fraudulent telephone call and to harass, trick or further a fraudulent scheme. The victims of this activity include the legitimate owner of a caller ID or the recipient of a fraudulent telephone call, who, as a result, may divulge legitimate financial or identifying information such as credit card numbers or other financial information. Spoofing is nothing less than criminal fraud.

Spoofing technology has become more accessible to the average person, either through the purchase of Internet telephone equipment or through Web sites specifically set up to spoof. These Web sites promote spoofing as a device to commit fraud, prank phone calls and political attacks, and are used by telemarketers who are attempting to avoid the current ''do not call'' limits.

H.R. 5304 creates a new Federal crime prohibiting the modification of caller ID to harass or commit fraud or use another person's ID without that person's consent. The bill imposes a penalty of a prison term of up to 5 years and/or a fine for any violation. However, the legislation does not affect legally available blocking of caller ID technology or lawfully authorized activities of law enforcement intelligence agencies.

This legislation will help to deter telephone fraud, to protect consumers from harassment, and to increase protection of consumers and their personally identifiable data from fraudulent telephone use.

I urge my colleagues to join together to pass this bipartisan legislation, H.R. 5304.

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

Mr. SCOTT of Virginia. Mr. Speaker, I would like to thank the gentleman from Pennsylvania for introducing the bill that addresses an important issue. People should be prohibited from defrauding, harassing others using this technology. A misleading caller ID can enable criminals to get information that they couldn't otherwise get. It will enable people to harass. There may be, however, legitimate uses for this technology, and that is why I have to oppose the motion to suspend the rules and pass the bill at this point.

□ 2345

There are a lot of people for whom it should be illegal. But, Mr. Speaker, I want to express my appreciation for them handing me a bill as the debate started. We have been negotiating the information in the bill.

We had a hearing and we found that there are a lot of legitimate uses for this. For example, women's shelters use misleading caller ID numbers. Businesses may use a misleading caller ID number if they are calling from one line of many lines. If they want people to call back on their main line, they want to use that caller ID.

When we had our hearing we heard that we may want to differentiate from defrauding and harassing with a criminal intent for criminal gain as opposed to just harassing. Maybe we might not have a 5-year felony, you might want to have a misdemeanor.

So I was under the impression earlier today that we were going to continue negotiating this and work on it and get a decent bill next year.

Also I heard, Mr. Speaker, that the FBI has made recommendations on the bill. We don't have that information yet because the recommendations have not been cleared by OMB. I would ask the chief sponsor or the proponents of the legislation why it is so important to pass the legislation before the Bush administration's Federal Bureau of Investigation comments can be considered?

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

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

Mr. Speaker, let me point out to the gentleman that this is in fact an ongoing problem where we have crimes being committed and some difficulty in some cases actually having a rationale for prosecuting people that are using this sometimes in very harsh criminal circumstances.

The original bill used the term ''misleading.'' I think we have changed that now to ''defraud or harass.'' There is no legitimate purpose when you are talking about the defrauding or harassing.

So I would encourage my colleagues to support this bill. It is much improved, taking into account the concerns of the gentleman from Virginia, and I believe that it is an appropriate bill, a bill that is well-drafted now, and I would urge its passage.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. MURPHY), the author of the bill.

Mr. MURPHY. Mr. Speaker, I rise to ask for support for my bill, H.R. 5304, the Preventing Harassment through Outbound Number Enforcement Act, or the PHONE Act.

This bill is a critically important consumer protection from fraud, deception and other crimes. It offers for the first time criminal penalties for those who falsify a caller ID number in the commission of a crime.

Over the years, Congress has repeatedly worked to prevent consumers from identity theft. Unfortunately, with new technology comes new risks and new opportunities for criminals to evade the law. One of these new technologies used by thieves is the practice of call spoofing or caller ID fraud.

With caller ID fraud, one masks their identity by altering their outbound caller ID number in order to mislead the call recipient. In other words, you can make a call from your phone, but to the one who is receiving the call, your caller ID number can be anything you so choose. In short, caller ID fraud takes away accountability from people who wish to do harm to others.

Today, 21st century criminals are using fake caller identification to anonymously defraud and harass Americans all across the country. That is why I am so pleased that Congress is considering H.R. 5304 tonight, in order to penalize caller ID fraud perpetrators.

This bill is particularly necessary to protect American families and the elderly now. It doesn't take much imagination to understand how dangerous this practice could be for unsuspecting people.

For example, a criminal could try to obtain personal financial information from individuals by falsely using a bank's phone number. An ex-spouse can harass a former wife or husband who has blocked calls from the ex-spouse's phone line. A pedophile could stalk a child by using a school phone number or the phone number of a friend of the child. A sexual predator could use a doctor's office phone number. Or a terrorist could make threats from a government phone number, and there is no quick way to trace that original call.

The criminal use of caller ID fraud is not just a possibility. Here are some very real-world examples of caller ID fraud that are very disturbing.

The AARP Bulletin reported a case in which people received calls which falsely claimed that they missed jury duty. To avoid prosecution, callers told their victims that they needed to give their Social Security number and other personal information. The phone number that appeared in the caller ID was from the local county courthouse, so people assumed the caller was telling the truth.

A security company, Secure Science Corporation, has stated that criminals have accessed these legal call spoofing Internet sites in order to protect their identities while they buy stolen credit card numbers. These individuals then call a money transfer service, such as Western Union, and use a fake caller ID and a stolen credit card number to order cash transfers to themselves.

If the name on the credit card is John Doe of 123 Main Street and the caller ID number that shows up is for John Doe of 123 Main Street, it is easy to see how someone can be deceived into credit card fraud.

Here is another example. In 2005, SWAT teams surrounded an empty building in New Brunswick, New Jersey, after police received a call from a woman who said she was being held hostage in an apartment. However, the woman had intentionally used a false caller ID and she was not in the apartment at all. Imagine what might have happened when those SWAT teams showed up. Imagine what might have happened.

This practice of making a false alarm to a SWAT team has occurred numerous times across the country. So, not only does this practice have the potential for tragedy, but it also diverts police and can be used to mask other crimes or homeland security threats.

It is for these reasons that I introduced H.R. 5304, to punish those who engage in the intentional practice of misleading others into caller ID fraud. Violators of the bill will be subject to a penalty of up to 5 years in prison and a maximum fine of $250,000. There is no mandatory sentencing involved in this bill.

I am hopeful the Senate can quickly approve the bill, so we can send this bill to the President and protect consumers.

Mr. Speaker, I should point out that the bill came together in a bipartisan fashion. The bill was examined at hearings of the Judiciary Subcommittee on Crime, Terrorism, and Homeland Security on November 15 of this year. My two distinguished colleagues, Chairman HOWARD COBLE and Ranking Member BOBBY SCOTT of Virginia asked many probing questions and offered insights that were invaluable. Their legal expertise truly improved this bill and made sure it was not one that dealt at all with those who may use these in legal fashions, those that would not be considered crimes.

Thanks to their input, the bill was amended to achieve an agreement and brought before the House tonight. I sincerely thank them and everybody else on the Judiciary Committee for their cooperation on this bill and their commitment to this important consumer protection.

I certainly also want to thank Chairman SENSENBRENNER and the full committee and congratulate him on his remarkable tenure as chairman of the House Judiciary Committee.

I want to thank Phil Kiko, general counsel of the House Judiciary Committee; Mike Layman, my legislative director; and especially Susan Mosychuk, my chief of staff.

Mr. Speaker, over the years, Congress has been routinely criticized as a reactive institution. Tonight, that Congress takes a proactive step to move a bill that addresses a problem before further tragedies occur. This bill will help to stop crime, protect identity theft and protect lives, and I urge all Members to support the PHONE bill.

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

Mr. Speaker, this was earlier identified as bipartisan legislation. It is legislation that is supported in principle by both sides. However, I would point out that as of this morning, there were no Democratic cosponsors. But it is important legislation, because of the examples cited by the gentleman from Pennsylvania, and the bill is still a work in progress.

It is an improved bill. In fact, it includes many amendments that have been discussed. One, it limits the application of the bill to cases where there is harassment or defrauding, not just misleading. I think that is an important improvement. And there is language offered by this side that addressed the case we heard where someone else's caller ID number was being used, people were making insulting phone calls, they would look at their caller ID and then call the person whose caller ID number was there. He didn't know anything about it and he was getting all of these complaining phone calls. Both of these are good improvements.

But I would still be interested in knowing what the FBI might have to say about it. They have to enforce the law. They might have some important suggestions that would be important to include in the bill.

I would ask the proponents of the bill again why it is so important to consider the legislation before the FBI has had an opportunity to be heard? We don't have to adopt their ideas, but it seems to me that since they are going to enforce it, we ought to at least listen to what they have to say.

We had indicated to the other side that we would bring it up as one of the first bills next year if we could get the FBI consideration, continue negotiating the little details and have a bill that we could be proud of.

However, Mr. Speaker, we are having it today, a work in progress, where this side just gets handed the legislation as the debate starts, which is I think insulting, and I think we have heard references to what happens in the middle of the night. Hopefully we can get the answer about the FBI from the other side.

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

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

I would like to introduce for the RECORD a letter dated today, from the Department of Justice, that I think answers some of the questions that the gentleman from Virginia has asked. We will see that a copy of this is delivered to the gentleman.

DEPARTMENT OF JUSTICE, OFFICE OF LEGISLATIVE AFFAIRS, OFFICE OF THE ASSISTANT ATTORNEY GENERAL,

Washington, DC, December 8, 2006.

Hon. F. JAMES SENSENBRENNER, JR.
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Department of Justice appreciates the opportunity to comment on H.R. 5304, the "Preventing Harassment through Outbound Number Enforcement Act" ("PHONE Act"). As Deputy Assistant Attorney General Barry Sabin testified before the Subcommittee on Crime, Terrorism, and Homeland Security last month, we support Congressional action to give law enforcement better tools to protect our citizens and our country from identity thieves, stalkers, and other criminals.

Overall, the bill would support the Department's efforts to combat the threats caused by the widespread availability of "caller ID spoofing." As noted at the Subcommittee's hearing on the PHONE Act, these threats include preying on the elderly, harassment of telephone users, and dangerous false alarms to public safety personnel. Caller ID spoofing facilitates a number of serious crimes, including identity theft, pretexting, and privacy invasions. It can also be used to hamper important, time sensitive investigations.

The Department was especially pleased to see that the scope of the bill includes both conventional telephone calling and many types of voice over Internet protocol ("VOIP") services. VOIP is an important new advance in the way Americans communicate, and our laws need to keep up with such technological advances if these new innovations are to reach their full potential.

The drafters also have wisely recognized that, at times, it may be necessary to modify caller ID information in the course of authorized law enforcement and intelligence operations. Accordingly, the bill properly includes an exception for these legitimate law enforcement and intelligence activities.

The Department has a number of recommendations (described below) to clarify the bill and to make it even more effective.

A. The bill could be made more effective by creating a more graduated series of offenses.

Proposed Section 1038(a) creates only a single offense, a felony. A felony is a very serious charge that carries heavy penalties that may not be proportional to the conduct at issue in every case. The drafters may wish to consider a more graduated series of offenses that would allow prosecutors to charge misdemeanor offenses in appropriate circumstances. For instance, felony penalties could be reserved for caller ID spoofing done in furtherance of another crime or tort, while those playing practical jokes could be charged with a misdemeanor offense. This could lead to greater use of the statute and more just results. Such an approach has been implemented in other federal criminal statutes such as 18 U.S.C. §1030(c)(2)(B) (part of the Computer Fraud and Abuse Act) and 18 U.S.C. §270 I (b) (the criminal provision in the Electronic Communications Privacy Act).

B. The bill could be made more effective by prohibiting attempts.

A prosecution should not depend on whether a criminal was successful in the object of his or her crime. Thus, if a call placed by a criminal attempting to mislead another does not go through for some reason, the criminal should be punishable as if the call had been completed. Such failures may occur where a service has blocked certain numbers, such as 911, or even for more mundane technical problems. These failures do not make the criminal any less culpable for attempting to mislead others. Thus, we recommend that the bill punish attempts the same as the substantive offense.

C. The new provision should be numbered 18 U.S.C. §1039.

The bill seeks to add a new provision to the end of Chapter 47 of Title 18. Section 1038 in Title 18 already exists, however, and we understand that there is a good chance that a bill currently moving through Congress would create a new section numbered 1039. Thus, this bill should be numbered either 1039 or 1040 instead.

D. The drafters may wish to include a clear statement of jurisdiction.

We believe that the bill as written contains a sufficient nexus to interstate commerce to justify federal jurisdiction in most cases. Nevertheless, in order to make jurisdiction even more clear, the Committee may want to consider adding the phrase "using any facility or means of interstate or foreign commerce" to proposed subsection 1038(a). Alternatively, it may be helpful to include a specific finding regarding jurisdiction in the Committee's report.

E. The bill can be made more effective by prohibiting ''generating and transmitting'' misleading caller identification information in addition to ''modifying'' such information.

Some of the caller ID spoofing services available today do not actually modify caller ID information. As a technical matter, the service creates a new telephone call, thereby generating or transmitting new caller ID information. To take into account such situations, we recommend that, in addition to modifying information, the bill also cover generating or transmitting caller ID information with an intent to mislead.

F. The bill can be made more effective by prohibiting caller ID spoofing with the intent to mislead any other person.

Caller ID spoofing can be used not only to mislead call recipients, but also to defraud communications service providers. In addition to misreporting the information that eventually is displayed on call recipients' caller ID displays, the same methods can be and are used to falsify the telephone numbers that carriers use to determine appropriate billing for calls that are carried on their networks. The bill can be strengthened to include this type of fraud by prohibiting misleading ''any other person'' rather than only misleading call recipients.

G. The bill can be made more effective by clarifying the definition of ''caller ID information. ''

As currently drafted, the definition of ''caller ID information'' is difficult to parse. We would recommend rewording proposed subsection 1038(c)(1)(A) to say ''The term 'caller ID information' means information regarding the origination of the telephone call, including the telephone number of the originating party.''

H. The bill can be made more effective by focusing the definition of ''telephone call'' on the service used to receive calls rather than the service used to make calls.

The bill seeks to cover matters involving ''telephone calls.'' A ''telephone call'' is defined as a ''call made using a telecommunications service or a VOIP service.'' See proposed subsection 1038(c)(1)(B) (emphasis added). This definition focuses on the service being used to make the call, thereby allowing the person seeking to mislead others to avoid criminal liability by choosing a service not covered by the statute. For example, a caller using a service that allows only outbound calls to the public switched telephone network (PSTN) would not be covered (without the modifications suggested in Section I below), even though ordinary telephone users would be receiving such calls. The bill's coverage more properly should depend on the type of service being used to receive the call, since it is call recipients that the bill seeks to protect from being misled. We recommend that the definition of ''telephone call'' be changed to read ''The term 'telephone call' means a communication made using or received on a telecommunications service or VOIP service.''

I. The bill can be made more effective by expanding the definition of ''VOIP service.''

We have a number of concerns with the narrow scope of the definition of ''VOIP service,'' a definition that soon could be overtaken by advances in technology. It is important to craft this definition well not only because of the effect it would have on the scope of this bill, but because of the effect it could have on the scope of other important programs, such as the Communications Assistance for Law Enforcement Act and emergency response services. As Thomas Navin, Chief of the Wireline Competition Bureau of the Federal Communications Commission, testified before the Subcommittee on Telecommunications and the Internet of the Energy and Commerce Committee, ''a restrictive definition of VOIP . . . might establish a statutory precedent that would restrict the Commission's authority to protect life and property in both the public safety and law enforcement contexts.'' The Department has expressed similar concerns in regulatory proceedings and in connection with other bills introduced this Congress, and we would respectfully raise those same concerns with this Committee.

1. The bill can be made more effective by eliminating the requirement that a VOIP service be transmitted ''through customer premises equipment.''

It is not clear why protection from being misled by caller ID information should depend on whether VOIP service is transmitted ''through customer premises equipment,'' as set forth in proposed subsection 1038(c)(1)(C)(i). We therefore suggest deleting these words (''through customer premises equipment'') to broaden the scope of the bill.

2. The bill can be made more effective by eliminating the requirement that a VOIP service use Transmission Control Protocol.

The bill should not be limited to services that use the Transmission Control Protocol (''TCP''), as many current VOIP services use another protocol (that is not a successor to TCP) called the User Datagram Protocol (''UDP''). We therefore recommend that ''Transmission Control Protocol/'' be deleted from proposed subsection 1038(c)(1)(C)(i).

3. The bill can be made more effective by clarifying the parenthetical in the definition of a ''VOIP service.''

Proposed subsection 1038(c)(1)(C)(i) provides that a VOIP service is covered even when the Internet protocol conversion is performed ''without use of circuit switching.'' The Department believes that this provision is unclear. We recommend that the parenthetical be clarified.

4. The bill can be made more effective by eliminating the requirement that a VOIP service be offered ''for a fee.''

The Department believes it would be preferable that the bill's prohibition not depend on the provider's business model, that is, not apply only to those VOIP services offered ''for a fee.'' See proposed subsection 1038(c)(1)(C)(i). At least some VOIP services are offered at no charge and will be supported by revenue generated from sources other than user fees, such as advertising revenue. In fact, several VOIP providers are currently offering free calls to or from the PSTN. There is no reason why the business model of the service provider should have an impact on the scope of the bill's coverage.

5. The bill can be made more effective by eliminating the requirement that a VOIP service must offer two-way interconnection to the PSTN.

The bill also limits ''VOIP service'' to a service that ''has the capability to originate traffic to, and terminate traffic from, the public switched telephone network [PSTN].'' See proposed 18 U.S.C. §1038(c)(1)(C)(iii) (emphasis added). This provision is unnecessarily restrictive for two reasons. First, some VOIP providers offer services that only allow one of those two capabilities. Under the definition in the bill, a call to a person's telephone is not a ''telephone call'' if the caller's service does not also allow that originator to receive calls from the PSTN. There is no reason a person should be allowed to mislead call recipients, even ones using traditional telephone service, simply because he or she uses a service that restricts incoming calls. Even if the bill were amended as suggested above to focus on the service used to receive calls, there is no reason why subscribers to receive-only services should be less protected from fraudulent caller ID information simply because their ability to call out is limited. We recommend that, at a minimum, the word ''and'' be changed to ''or'' in proposed subsection 1038(c)(1)(C)(iii).

In addition, the bill only covers services that are capable of interconnecting with the PSTN. Reference to the PSTN could be interpreted to limit its applicability to one particular set of wires, i.e., the traditional telephone network. If, as some predict, the future of telephone communications shifts entirely away from that older network, the bill could become a dead letter. We recommend adding ''or a successor network'' at the end of proposed subsection 1038(c)(1)(C)(iii).

J. The bill can be more effective by including a forfeiture provision.

In addition, the Department believes the bill would have more deterrent effect if it also included a forfeiture provision. Specifically, a court could order the convicted party to forfeit the proceeds derived from the offense, along with equipment used to facilitate the offense. The language for a forfeiture provision could be modeled on the wording used for the CAN–SPAM Act of 2003. See 18 U.S.C.A. §1037(c).

K. The bill can be made more effective by giving prosecutors tools to combat money laundering of illegal proceeds of violations of the PHONE Act and the CAN–SPAM Act.

We recommend adding proposed section 1039 and existing section 1037 to the list of ''specified unlawful activities'' in section 1956(c)(7)(D) of title 18. This amendment would make certain financial transactions involving the proceeds of violations of sections 1037 and 1039 money laundering offenses under 18 U.S.C. §§1956 and 1957, and it will provide for the civil forfeiture of such proceeds. See 18 U.S.C. §981(a)(1)(C) (providing for the civil forfeiture of proceeds of crimes designated as ''specified unlawful activity''). Existing law provides that comparable crimes, e.g., violations of 18 U.S.C. §1030 (computer fraud and abuse) constitute specified unlawful activities.

For convenience, we have included recommended edits to the text of the bill in order to accomplish many of the recommendations suggested above (attached hereto as Appendix A). The Department appreciates the Committee's leadership in ensuring that our country's laws meet this new challenge. Thank you for the opportunity to comment on the bill and for your continuing support.

The Office of Management and Budget has advised that there is no objection to the presentation of these views from the standpoint of the Administration's program. If we may be of additional assistance, please do not hesitate to contact this office.

Sincerely,

JAMES H. CLINGER,
Acting Assistant Attorney General.

Mr. CANNON. Mr. Speaker, the Department of Justice supports the bill. We recognize that sometimes in the helter-skelter of closing up Congress, things happen quickly and maybe not perfectly. I think this bill is a good bill. I think this bill does what we need it to do. I think we have answered the major questions here. We may have to revisit it sometime in the future, but I would like to see law enforcement have this tool.

So I urge my colleagues to support the passage of the bill.

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

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

Mr. Speaker, when the FBI testified on the bill, they indicated they had some concerns. I assume I will get the concerns after we finish considering the bill. We had to beg for a copy of the legislation so we would know what we are debating. Now, I guess, would it hurt your feelings to let me know what the FBI had to say about it? They had concerns when they testified on the bill. Let me just say that. I will just wait over here until I can get a copy of their comments so I know what they said.

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

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

Mr. Speaker, we have a copy of those comments on the way over to the gentleman from Virginia. I would hope we would never require begging in this institution for access to information, and I apologize for any inconvenience.

While we are delivering the Department of Justice's letter, the first paragraph of which talks about supporting the bill, I would be happy to yield to the gentleman from Pennsylvania such time as he may consume.

Mr. MURPHY. Mr. Speaker, I wanted to address Mr. SCOTT's concerns. I know during the Judiciary Committee the gentleman from Virginia raised a couple of very important issues. One, he wanted to make sure there were no mandatory sentencing penalties in this; and, two, to make sure it did not disallow some legal practices.

For example, businesses may use a caller ID when they call someone to protect the privacy of people within that business. Indeed, my understanding is the wording of this does address that, according to what Judiciary and the Department of Justice has looked at with that wording.

So it made sure that those within a business may have use or those with other legitimate uses for using a caller ID. It is only related to those who harass or defraud others, so only specifically in the commission of a crime. I just want to say it addressed those issues, as far as I know.

Mr. CANNON. Mr. Speaker, has the gentleman from Virginia had the opportunity to review the document and the bill?

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

Actually I would say to the gentleman from Utah, I haven't gotten any letter from the Justice Department yet. I assume it is in transit. It is a long way from that side of the aisle to this side of the aisle. I don't know what kind of communication method we are using, but I haven't gotten it yet.

I would point out, as the gentleman from Pennsylvania has indicated, when we make calls out of our offices in Congress, the caller ID number that shows up on someone's caller ID machine is some nonworking switchboard number.

Mr. CANNON. Mr. Speaker, if the gentleman would yield, one of the greatest pains in my life is the fact that we have colleagues in this institution who are sometimes troublesome, and so we get that caller ID and I think it is from my office and I end up talking to one of my colleagues I might not have talked to if I wasn't being spoofed by the institution.

My understanding is we had to make a copy of that letter. Apparently it was the only one we had. So we will have a copy coming to you momentarily. It is being delivered currently to your staff.

Mr. SCOTT of Virginia. Mr. Speaker, having just been handed the letter and gone through it very quickly, I would just point out that the last sentence on the first page says, ''The department has a number of recommendations (described below) to clarify the bill and to make it even more effective.''

They suggest, just briefly going through it, A, B, C, D, E, F, G, H, I, 1, 2, 3, 4, 5, J, K, improvements needed for the bill.

□ 0000

I do not know if this is a copy or original or what, but I hope everybody reads the letter that was entered previously in the RECORD so they will know that we are taking this action before we have had any time to consider the recommendations of the FBI which will have the responsibility of enforcing the bill, if it ever becomes law at the end of this session.

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

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

Let me point out to the gentleman that those are not recommendations of things that are needed to improve the bill but suggestions for improvement of the bill, and I would ask my colleagues to support the bill as it stands.

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

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

A, the bill could be made more effective by creating a more graduated series of offenses and then details.

B, the bill could be made more effective by prohibiting attempts, then a description.

C, a new provision should be numbered 18 U.S.C. 1039 and a description.

D, the drafters may wish to include a clear statement of jurisdiction.

E, the bill could be made more effective by prohibiting, generating, and transmitting misleading caller identification information in addition to modifying such information, on and on and on.

These are substantive recommendations that we are just going to ignore by taking this bill up in the middle of the night right here at the end of the session with a bill that has been handed to this side at the last minute, with the FBI recommendations that have been hiding the ball right up until I demanded it, and then they finally let it go.

This is a ridiculous way to put things in the Criminal Code, and I would hope we would defeat the legislation.

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

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume and would like to point out, I am sure the gentleman when he talks about hiding the ball he is not referring to us. We have been working with the Justice Department to get this information.

We got to the gentleman's office this bill by midday today and, again, we apologize for the technical difficulties. I am not sure if the gentleman opposes the bill in substance, but I would again encourage my colleagues to support the bill.

It is my understanding the gentleman is likely to be the chairman of the Crime Subcommittee next year and can bring this up and improve it with all of the comments and the suggestions that the Justice Department has proposed, and therefore I hope that he will join with me in supporting this bill for its passage. I encourage my colleagues to pass it.

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

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

Mr. Speaker, I cannot support the bill in its present form. I think we can put a bill together if we are given time. Since we have little time, we got through E. F is the bill can be made more effective by prohibiting caller ID spoofing with the intent to mislead any other person.

G, the bill could be made more effective by clarifying the definition of ''caller ID information.''

H, the bill can be made more effective by focusing the definition of ''telephone call'' on the service used to receive calls rather than the service used to make calls.

I, the bill can be made more effective by expanding the definition of ''VOIP service.''

Then one, they could go through what the VOIP service details.

The bill can be made more effective by including a forfeiture provision.

The bill can be made more effective by giving prosecutors tools to combat money laundering of illegal proceeds of violations of the PHONE Act and the CAN-SPAM Act.

Mr. Speaker, you will remember that we were not going to get this until I demanded it time and time again and they finally produced it, and now we find out that the information from the FBI is very critical of the bill, suggesting that it needs a lot of work, and we can do the work. We could sit down and hammer it out. I think everybody agrees that something needs to be done about this situation. It is a work in progress.

I notice in here an amendment that was suggested this afternoon is, in fact, in the bill in a slightly different wording and I think better wording in the

bill than the original suggestion. So it is a work in progress.

But, Mr. Speaker, this is not the way we ought to be legislating. We can do better than this, and I think we ought to defeat the bill now, bring it up early in the next session, and have a product that everybody can be proud of.

Mr. Speaker, I yield back the balance of my time.

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

Mr. Speaker, I appreciate the gentleman's concerns and would point out if he had more time with the bill, if the staff had gotten it to him earlier today, I suspect he would have seen that many of the suggestions he has made here or suggestions he has read from the Department of Justice document have actually been taken into account. Misleading, for instance, is one of the terms that has been adjusted because it is very difficult to deal with.

The question here is are we going to let the perfect be the enemy of the good. This is a bill that is very important to the American people. If you are a divorcee and your husband is harassing you and he is using a fake phone number to do it, you do not want to wait until next session. You want the bill passed now so that your former husband is going to be more careful and not abuse you and your children and maybe not subject you to injury or harm.

I suggest that those people that are using spoofing need to be told today that this is inappropriate, and I urge passage of this bill.

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 Utah (Mr. CANNON) that the House suspend the rules and pass the bill, H.R. 5304, as amended.

The question was taken.

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

Mr. SCOTT of Virginia. 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 question will be postponed.

The point of no quorum is considered withdrawn.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 4121. An act to provide optional funding rules for employers in applicable multiple employer pension plans.

COMPETE ACT OF 2006

Mr. CANNON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3821) to authorize certain athletes to be admitted temporarily into the United States to compete or perform in an athletic league, competition, or performance.

The Clerk read as follows:

S. 3821

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 either the ''Creating Opportunities for Minor League Professionals, Entertainers, and Teams through Legal Entry Act of 2006'' or the ''COMPETE Act of 2006''.

SEC. 2. NONIMMIGRANT ALIEN STATUS FOR CERTAIN ATHLETES.

(a) IN GENERAL.—Section 214(c)(4)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(4)(A)) is amended by striking clauses (i) and (ii) and inserting the following:

''(i)(I) performs as an athlete, individually or as part of a group or team, at an internationally recognized level of performance;

''(II) is a professional athlete, as defined in section 204(i)(2);

''(III) performs as an athlete, or as a coach, as part of a team or franchise that is located in the United States and a member of a foreign league or association of 15 or more amateur sports teams, if—

''(aa) the foreign league or association is the highest level of amateur performance of that sport in the relevant foreign country;

''(bb) participation in such league or association renders players ineligible, whether on a temporary or permanent basis, to earn a scholarship in, or participate in, that sport at a college or university in the United States under the rules of the National Collegiate Athletic Association; and

''(cc) a significant number of the individuals who play in such league or association are drafted by a major sports league or a minor league affiliate of such a sports league; or

''(IV) is a professional athlete or amateur athlete who performs individually or as part of a group in a theatrical ice skating production; and

''(ii) seeks to enter the United States temporarily and solely for the purpose of performing—

''(I) as such an athlete with respect to a specific athletic competition; or

''(II) in the case of an individual described in clause (i)(IV), in a specific theatrical ice skating production or tour.''.

(b) LIMITATION.—Section 214(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(4)) is amended by adding at the end the following:

''(F)(i) No nonimmigrant visa under section 101(a)(15)(P)(i)(a) shall be issued to any alien who is a national of a country that is a state sponsor of international terrorism unless the Secretary of State determines, in consultation with the Secretary of Homeland Security and the heads of other appropriate United States agencies, that such alien does not pose a threat to the safety, national security, or national interest of the United States. In making a determination under this subparagraph, the Secretary of State shall apply standards developed by the Secretary of State, in consultation with the Secretary of Homeland Security and the heads of other appropriate United States agencies, that are applicable to the nationals of such states.

''(ii) In this subparagraph, the term 'state sponsor of international terrorism' means any country the government of which has been determined by the Secretary of State under any of the laws specified in clause (iii) to have repeatedly provided support for acts of international terrorism.

''(iii) The laws specified in this clause are the following:

''(I) Section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)) (or successor statute).

''(II) Section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)).

''(III) Section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)).''.

(c) PETITIONS FOR MULTIPLE ALIENS.—Section 214(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(4)), as amended by subsection (b), is further amended by adding at the end the following:

''(G) The Secretary of Homeland Security shall permit a petition under this subsection to seek classification of more than 1 alien as a nonimmigrant under section 101(a)(15)(P)(i)(a).''.

(d) RELATIONSHIP TO OTHER PROVISIONS OF THE IMMIGRATION AND NATIONALITY ACT.—Section 214(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(4)), as amended by subsections (b) and (c), is further amended by adding at the end the following:

''(H) The Secretary of Homeland Security shall permit an athlete, or the employer of an athlete, to seek admission to the United States for such athlete under a provision of this Act other than section 101(a)(15)(P)(i) if the athlete is eligible under such other provision.''.

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

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 3821, currently under consideration.

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

There was no objection.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of Senate 3821, the COMPETE Act of 2006. S. 3821 would allow minor league professional athletes and certain performers to utilize the P–1 visa category.

The P–1 visa category allows internationally recognized performers, including athletes, artists and entertainers, to temporarily enter the U.S. for a specific event, competition or performance. To date, Citizenship and Immigration Services has interpreted the Immigration and Nationality Act in such a way that only allows major league professional athletes to utilize the P–1 visa category.

Minor league baseball and hockey players and some professional performers have been forced to utilize the H–2B visa category, which is capped at 66,000 visas annually and has been oversubscribed in recent years. Many minor league baseball and hockey teams attempt to bring in new players at times

of the year when the numerical cap has already been reached for H–2B visas.

Ice skaters who perform in special events in the United States find themselves in a similar predicament. Ice shows are planned many months in advance, but when ice skaters are recruited for these shows, H–2B visas are not always available. This legislation would also allow ice skaters performing in theatrical ice productions to use the P–1 visa category.

The United States is the pinnacle showground for most athletes and performers. It is where the best athletes and performers come to display their talents and skills. By moving minor league athletes and ice performers to the P–1 category, sports leagues and production teams will be able to recruit the most talented individuals from around the world and thus continue America's tradition of excellency in the professional sports arena.

I urge my colleagues to support Senate 3821.

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

Mr. CONYERS. Mr. Speaker, I yield myself as much time as I may consume.

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

Mr. CONYERS. Mr. Speaker, I am pleased to rise in support of S. 3821, which makes professional visas available for certain athletes and entertainers who are needed for work and competition in the United States professional athletic industries.

Historically, minor league athletes enter our country as part of the H–2B seasonal worker program. These visas are capped at 66,000 per year, and they often run out well before the year is out.

So we, through this legislation, will allow sport franchises and companies to bring minor league baseball players, hockey players and ice skating performers into the country to perform or compete when they are needed, without being barred by the visa cap. It shifts these talented people from the H visa category to the P visa category, the same one currently used by highly skilled professional athletes.

With this change, the United States will no longer lose these talented athletes to other nations because visas are not available at the right time.

This is a necessary piece of legislation to fix our visa categories, and I am glad that we are able to get the support of both Chambers in a bipartisan fashion to pass this at the very end of the 109th Congress.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. CANNON. Mr. Speaker, with the admonition to my colleagues to support this bill and pass it, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the Senate bill, S. 3821.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

PROHIBITION ON DISRUPTIONS OF FUNERALS OF MEMBERS OR FORMER MEMBERS OF THE ARMED FORCES

Mr. CANNON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 4042) to amend title 18, United States Code, to prohibit disruptions of funerals of members or former members of the Armed Services.

The Clerk read as follows:

S. 4042

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

SECTION 1. RESPECT FOR THE FUNERALS OF FALLEN HEROES.

(a) IN GENERAL.—Chapter 67 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1388. Prohibition on disruptions of funerals of members or former members of the Armed Forces

''(a) PROHIBITION.—For any funeral of a member or former member of the Armed Forces that is not located at a cemetery under the control of the National Cemetery Administration or part of Arlington National Cemetery, it shall be unlawful for any person to engage in an activity during the period beginning 60 minutes before and ending 60 minutes after such funeral, any part of which activity—

''(1)(A) takes place within the boundaries of the location of such funeral or takes place within 150 feet of the point of the intersection between—

''(i) the boundary of the location of such funeral; and

''(ii) a road, pathway, or other route of ingress to or egress from the location of such funeral; and

''(B) includes any individual willfully making or assisting in the making of any noise or diversion that is not part of such funeral and that disturbs or tends to disturb the peace or good order of such funeral with the intent of disturbing the peace or good order of that funeral; or

''(2)(A) is within 300 feet of the boundary of the location of such funeral; and

''(B) includes any individual willfully and without proper authorization impeding the access to or egress from such location with the intent to impede the access to or egress from such location.

''(b) PENALTY.—Any person who violates subsection (a) shall be fined under this title, imprisoned for not more than 1 year, or both.

''(c) DEFINITIONS.—In this section:

''(1) The term 'Armed Forces' has the meaning given the term in section 101 of title 10.

''(2) The term 'funeral of a member or former member of the Armed Forces' means any ceremony or memorial service held in connection with the burial or cremation of a member or former member of the Armed Forces.

''(3) The term 'boundary of the location', with respect to a funeral of a member or former member of the Armed Forces, means—

''(A) in the case of a funeral of a member or former member of the Armed Forces that is held at a cemetery, the property line of the cemetery;

''(B) in the case of a funeral of a member or former member of the Armed Forces that is held at a mortuary, the property line of the mortuary;

''(C) in the case of a funeral of a member or former member of the Armed Forces that is held at a house of worship, the property line of the house of worship; and

''(D) in the case of a funeral of a member or former member of the Armed Forces that is held at any other kind of location, the reasonable property line of that location.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 67 of such title is amended by inserting after the item related to section 1387 the following new item:

''1388. Prohibition on disruptions of funerals of members or former members of the Armed Forces.''.

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

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on S. 4042, currently under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of Senate 4042, which expands existing law prohibiting certain demonstrations at military funerals.

The men and women of our Armed Forces risk their lives every day to preserve America's freedom. Military funerals honor our veterans and those who have made the ultimate sacrifice for our country. Funerals are solemn occasions for family and loved ones to grieve their loss. Military funerals are important ceremonies for Americans to show their respect and gratitude for our fallen heroes.

Yet, these dignified, peaceful ceremonies are being disrupted by political demonstrations. In the last year, a fringe religious group known as Westboro Baptist Church has disrupted more than 100 military funerals across the country, claiming that the deaths of U.S. soldiers in Iraq and Afghanistan are God's punishment for America's tolerance of gays and lesbians. Over the past 15 years, Westboro Baptist Church has staged over 22,000 demonstrations nationwide.

Mr. Speaker, as Congress considers this legislation today, the Westboro Baptist Church is again staging protests to disrupt the funerals of Lance Corporal Michael A. Schwarz in New Jersey and Lance Corporal James R. Davenport in South Carolina.

□ 0015

On behalf of the American people, I want to extend my sincere apologies to

the families of these soldiers, and to reassure our military servicemembers and their families that such demeaning and disgusting displays will never occur again.

In May, the President signed into law H.R. 5037, the Respect for America's Fallen Heroes Act, which prohibits demonstrations at Arlington National Cemetery and other cemeteries under the control of the National Cemetery Administration.

Approximately 650,000 funerals are conducted each year for our veterans and Active Duty military; however, only 90,000 of these are held at the Nation's 121 Federal cemeteries. Many veterans and servicemembers are laid to rest at private cemeteries. S. 4042 will expand the current law to all military funerals to ensure that all are afforded the utmost respect and dignity.

S. 4042 prohibits any person from intentionally disrupting or impeding access to a military funeral. An offense under this section is punishable by a fine of up to 1 year in jail. This bill is clearly constitutional as its predecessor was under Congress' broad authority under Article I, section 7 to raise and support armies. Congress has the authority to support America's soldiers by acting to preserve the dignity of their funeral ceremonies.

This bill is modeled after an ordinance upheld by the Supreme Court as a constitutional time, place, and manner restriction. The Senate passed S. 4042 yesterday by unanimous consent. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time

Mr. CONYERS. Mr. Speaker I yield myself such time as I may consume.

I rise in support of the Respect for the Funerals of Fallen Heroes Act, a bill that would promote respect for the funerals of fallen heroes by prohibiting disruptive activities at funerals of deceased members of the Armed Forces.

This bill would build on the respect for America's Fallen Heroes Act by providing similar protection for the funerals of all deceased members or former members of the Armed Services, not only at Federal cemeteries but also at private cemeteries, funeral homes, and houses of worship. I think that we have found that this bill is consistent with constitutional considerations, and I urge that the House support this suspension.

Mr. Speaker, I yield back the balance of my time.

Mr. CANNON. Mr. Speaker, I have no further speakers.

Mr. CONYERS. Mr. Speaker, I would yield to the gentleman from Oregon as much time as he may consume.

Mr. WU. Mr. Speaker, I thank the gentleman from Michigan.

I was one of the Members of the House of Representatives who was originally troubled by the House version of the bill and by the balance it struck between respect for the fallen heroes of this Nation and the Federal Constitution for which they died. I am pleased to support a much improved version of this bill returned from the other Chamber. And I thank Mr. DURBIN directly for his good work on this bill to remove the unfettered discretion of Federal officials and to limit some of the proscribed activities to include intent and intent to disturb. I am pleased to support this bill in its final form.

Mr. CANNON. Mr. Speaker, I would like to yield to the gentleman from Indiana (Mr. BUYER) such time as he may consume.

Mr. BUYER. Well, it sure hasn't taken very long. Mr. WU, I guess, would oppose a Republican bill but support Mr. DURBIN's bill. I would invite the gentleman; you know, not long ago you and I got into a debate on this floor and what I asked the gentleman to do is to read the bill. What I would welcome the gentleman again is to read the bill, because the bill that you said you didn't like then, you should like it now. Or you like this one now but you didn't like it then?

What is interesting here is that when we came to this floor, what they have done in this bill is they have essentially taken exactly what we had done earlier in the year and actually said: Okay, for Federal lands, for national cemeteries in Arlington, we already have that bill. We are going to put now a section just after it, and the very same time, manner, place, content neutral restrictions that have been constitutionally upheld are going to be in this bill. I would just ask the gentleman to remain consistent.

Mr. WU. Mr. Speaker, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Oregon.

Mr. WU. In the original House version of the bill, the person in control of Federal property was given virtually unfettered discretion in determining what activities were acceptable and what activities were not.

I had hoped in the closing hours of this session that we would come together in comity to respect both the fallen dead and the Constitution, which is certainly my intent.

Mr. BUYER. I reclaim my time. Your interpretation of unfettered discretion is a great attempt at artful words, but that is not what we did in that bill.

What I am most concerned about here, and let's just pause for a second. When we came to the floor and we did the Fallen Heroes bill, we did this because we wanted to make sure it was narrowly tailored. And we said, what is our nexus? Our nexus here is Federal land of exclusive jurisdiction. So I remember a conversation about this, and Mr. CONYERS, and it is very important: Federal land. And so we said, okay, Arlington, owned by the United States Army and our national cemeteries. This now is about everything else. So the intent here is solid.

It is unfortunate that we have come to the floor to talk about the standards of dignity at a military funeral. We really shouldn't be having to do that. That is what is sad about this. And I think we all agree that we need to set the standards of dignity. We are talking about now setting a misdemeanor with regard to, we are going to set the content out there with regard to all of these funerals; and my only concern here is, is I do not want this stricken down as overbreadth under the doctrine that the Supreme Court to do that, and I am hopeful that doesn't happen. And I will yield to the scholars of the Judiciary Committee here. But I just want to let you know when we came to the floor and did this before, we did this for it to be narrowly tailored, and hopefully the Supreme Court doesn't strike it down. But I just wanted to speak and say why we did it one way not months ago, and now obviously we are doing it a little bit differently.

Mr. CONYERS. I wanted to thank the gentleman for yielding, and recall that he was a distinguished member of the Judiciary Committee himself for a considerable period of time. We will keep in mind the conversations that we have had here tonight in the closing hours.

Mr. Speaker, I yield back the balance of my time.

Mr. CANNON. Mr. Speaker, I would just like to make a couple comments. I thank Mr. CONYERS for his very gracious response, and want to point out that Mr. BUYER was a member of the Judiciary Committee, and himself is a scholar on these issues, and obviously emotional and concerned as he has been an active member of the military and continues, I believe, in the Reserve. And so I want to thank him for his comments and recognize the intensity of his feelings.

Mr. Speaker, I urge my colleagues to support this measure, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the Senate bill, S. 4042.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

FUNDING AGREEMENTS

Mr. CANNON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6427) to increase the amount in certain funding agreements relating to patents and nonprofit organizations to be used for scientific research, development, and education, and for other purposes.

The Clerk read as follows:

H.R. 6427

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

SECTION 1. FUNDING AGREEMENTS.

Section 202(c)(7)(E)(i) of title 35, United States Code, is amended—

(1) by inserting ''(or in the case of a facility with an annual budget of less than $40,000,000, 15 percent of the annual budget of the facility)'' after ''equal to 5 percent of the annual budget of the facility''; and

(2) by inserting ''(or in the case of a facility with an annual budget of less than $40,000,000, 15 percent of the annual budget of the facility)'' after ''exceeds 5 percent of the annual budget of the facility''.

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

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 6427 currently under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 6427 and urge its adoption by the House.

The bill changes the way a particular royalty formula under the Bayh-Dole Act. This is the landmark 1980 law that governs protection of patented inventions developed with the assistance of Federal funding. In brief, H.R. 6427 allows small government-owned, contractor-operated laboratories and their affiliated universities or nonprofits to receive a fair percentage of revenue from a successful patent that they license. The bill produces an equitable result for small entities that perform important research in a number of scientific fields, all of which benefits the American people.

I commend the gentleman from Iowa (Mr. LATHAM) for his work on this issue; I urge the House to pass H.R. 6427 for expeditious consideration by the other body.

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

Mr. CONYERS. Mr. Speaker, I yield myself as much time as I may consume.

Of course we support this legislation, because the bill merely amends the extent to which small nonprofits can keep the profits of inventions they develop in conjunction with the Federal Government.

Under the Bayh-Dole Act of 1980, the Federal Government will provide funds to nonprofits, including universities, for the purpose of conducting important research. Because the government is not equipped to do so, the nonprofits are allowed to patent any discoveries, sell and license the inventions, and keep a portion of the profits. Currently, the nonprofit can keep an amount of the profits up to 5 percent of its annual budget; the balance of the profits must be returned to the taxpayers.

Because of the unique situation of small universities, the bill would permit them to retain a higher percentage of the profits. While small universities may have small budgets, their research and development costs might not be small and can have a significant impact upon their budgets themselves. This legislation would permit small entities, those with a budget of less than $40 million, could retain a higher portion of the profits, up to 15 percent of their budgets.

This is a simple, straightforward proposition, we have heard no objection to it, and I am pleased to urge that it be passed this evening.

Mr. Speaker, I yield back the balance of my time.

Mr. CANNON. Mr. Speaker, I am pleased to yield so much time as the gentleman from Iowa (Mr. LATHAM) may consume.

Mr. LATHAM. Mr. Speaker, I thank the gentleman from Utah and I also thank the gentleman from Michigan for supporting this legislation.

H.R. 6427 has no budgetary impact at all. This bill would raise from 5 percent to 15 percent the percentage of patent royalties that can be retained by the government-owned, contractor-operated labs and universities and nonprofits with annual budgets of $40 million or less in any given fiscal year under the patent laws.

The bill would provide relief to smaller contracts, and incentivize these labs and universities to reinvest in their research and educational operations. The bill would only raise the ceiling for very small budgets. The majority of these contracts have much larger budgets of $100 million or more, and for those current larger budgets the 5 percent threshold would remain.

This bill has no opposition, and ensures that these contracts have the necessary funding to continue their successful pursuit of revolutionary inventions by keeping a larger percentage of the patent royalty. The thrust of this bill is to give incentives for smaller institutions and labs to continue investing in research and development. These smaller contracts of $40 million or less should not be penalized for their success just because they reach the current statutory 5 percent ceiling more quickly than the larger contracts in the hundreds of millions of dollars.

Raising the ceiling to 15 percent for these smaller contracts is fair. The bill makes the royalty regime more equitable for all.

Mr. Speaker, again I appreciate the support of both sides of the aisle.

Mr. CONYERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

I would just like to say that at an earlier phase of my life I had the great privilege of working with the people who helped develop these policies that allowed for the privatization of Federal R&D.

This is a simple bill that makes enormous sense and the underlying bill that it amends has resulted in massive improvements in the lives of all Americans. This is a sensible adjustment to that, and I suggest that all of our colleagues support this reasonable bill.

Mr. Speaker, I yield back the balance of my time.

□ 0030

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the bill, H.R. 6427.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

POOL AND SPA SAFETY ACT

Mr. BARTON of Texas. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3718) to increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool and spa drainage systems, by establishing a swimming pool safety grant program administered by the Consumer Product Safety Commission to encourage States to improve their pool and spa safety laws and to educate the public about pool and spa safety, and for other purposes.

The Clerk read as follows:

S. 3718

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 ''Pool and Spa Safety Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Federal swimming pool and spa drain cover standard.
Sec. 4. State swimming pool safety grant program.
Sec. 5. Minimum State law requirements.
Sec. 6. Education program.
Sec. 7. Definitions.
Sec. 8. CPSC report.

SEC. 2. FINDINGS.

The Congress finds that—

(1) of injury-related deaths, drowning is the second leading cause of death in children aged 1 to 14 in the United States;

(2) many children die due to pool and spa drowning and entrapment, such as Virginia Graeme Baker, who at age 7 drowned by entrapment in a residential spa;

(3) in 2003, 782 children ages 14 and under died as a result of unintentional drowning;

(4) adult supervision at all aquatic venues is a critical safety factor in preventing children from drowning; and

(5) research studies show that the installation and proper use of barriers or fencing, as well as additional layers of protection, could substantially reduce the number of childhood residential swimming pool drownings and near drownings.

SEC. 3. FEDERAL SWIMMING POOL AND SPA DRAIN COVER STANDARD.

(a) CONSUMER PRODUCT SAFETY RULE.—The provisions of subsection (b) shall be considered to be a consumer product safety rule

issued by the Consumer Product Safety Commission under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

(b) DRAIN COVER STANDARD.—Effective 1 year after the date of enactment of this Act, each swimming pool or spa drain cover manufactured, distributed, or entered into commerce in the United States shall conform to the entrapment protection standards of the ASME/ANSI A112.19.8 performance standard, or any successor standard regulating the same.

SEC. 4. STATE SWIMMING POOL SAFETY GRANT PROGRAM.

(a) IN GENERAL.—Subject to the availability of appropriations authorized by subsection (e), the Commission shall establish a grant program to provide assistance to eligible States.

(b) ELIGIBILITY.—To be eligible for a grant under the program, a State shall—

(1) demonstrate to the satisfaction of the Commission that it has a State statute, or that, after the date of enactment of this Act, it has enacted a statute, or amended an existing statute, and provides for the enforcement of, a law that—

(A) except as provided in section 5(a)(1)(A)(i), applies to all swimming pools in the State; and

(B) meets the minimum State law requirements of section 5; and

(2) submit an application to the Commission at such time, in such form, and containing such additional information as the Commission may require.

(c) AMOUNT OF GRANT.—The Commission shall determine the amount of a grant awarded under this Act, and shall consider—

(1) the population and relative enforcement needs of each qualifying State; and

(2) allocation of grant funds in a manner designed to provide the maximum benefit from the program in terms of protecting children from drowning or entrapment, and, in making that allocation, shall give priority to States that have not received a grant under this Act in a preceding fiscal year.

(d) USE OF GRANT FUNDS.—A State receiving a grant under this section shall use—

(1) at least 50 percent of amount made available to hire and train enforcement personnel for implementation and enforcement of standards under the State swimming pool and spa safety law; and

(2) the remainder—

(A) to educate pool construction and installation companies and pool service companies about the standards;

(B) to educate pool owners, pool operators, and other members of the public about the standards under the swimming pool and spa safety law and about the prevention of drowning or entrapment of children using swimming pools and spas; and

(C) to defray administrative costs associated with such training and education programs.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission for each of fiscal years 2008 through 2012 $10,000,000 to carry out this section, such sums to remain available until expended.

SEC. 5. MINIMUM STATE LAW REQUIREMENTS.

(a) IN GENERAL.—

(1) SAFETY STANDARDS.—A State meets the minimum State law requirements of this section if—

(A) the State requires by statute—

(i) the enclosure of all residential pools and spas by barriers to entry that will effectively prevent small children from gaining unsupervised and unfettered access to the pool or spa;

(ii) that all pools and spas be equipped with devices and systems designed to prevent entrapment by pool or spa drains;

(iii) that pools and spas built more than 1 year after the date of enactment of such statute have—

(I) more than 1 drain;

(II) 1 or more unblockable drains; or

(III) no main drain; and

(iv) every swimming pool and spa that has a main drain, other than an unblockable drain, be equipped with a drain cover that meets the consumer product safety standard established by section 3; and

(B) the State meets such additional State law requirements for pools and spas as the Commission may establish after public notice and a 30-day public comment period.

(2) USE OF MINIMUM STATE LAW REQUIREMENTS.—The Commission—

(A) shall use the minimum State law requirements under paragraph (1) solely for the purpose of determining the eligibility of a State for a grant under section 4 of this Act; and

(B) may not enforce any requirement under paragraph (1) except for the purpose of determining the eligibility of a State for a grant under section 4 of this Act.

(3) REQUIREMENTS TO REFLECT NATIONAL PERFORMANCE STANDARDS AND COMMISSION GUIDELINES.—In establishing minimum State law requirements under paragraph (1), the Commission shall—

(A) consider current or revised national performance standards on pool and spa barrier protection and entrapment prevention; and

(B) ensure that any such requirements are consistent with the guidelines contained in the Commission's publication 362, entitled ''Safety Barrier Guidelines for Home Pools'', the Commission's publication entitled ''Guidelines for Entrapment Hazards: Making Pools and Spas Safer'', and any other pool safety guidelines established by the Commission.

(b) STANDARDS.—Nothing in this section prevents the Commission from promulgating standards regulating pool and spa safety or from relying on an applicable national performance standard.

(c) BASIC ACCESS-RELATED SAFETY DEVICES AND EQUIPMENT REQUIREMENTS TO BE CONSIDERED.—In establishing minimum State law requirements for swimming pools and spas under subsection (a)(1), the Commission shall consider the following requirements:

(1) COVERS.—A safety pool cover.

(2) GATES.—A gate with direct access to the swimming pool that is equipped with a self-closing, self-latching device.

(3) DOORS.—Any door with direct access to the swimming pool that is equipped with an audible alert device or alarm which sounds when the door is opened.

(4) POOL ALARM.—A device designed to provide rapid detection of an entry into the water of a swimming pool or spa.

(d) ENTRAPMENT, ENTANGLEMENT, AND EVISCERATION PREVENTION STANDARDS TO BE REQUIRED.—

(1) IN GENERAL.—In establishing additional minimum State law requirements for swimming pools and spas under subsection (a)(1), the Commission shall require, at a minimum, 1 or more of the following (except for pools constructed without a single main drain):

(A) SAFETY VACUUM RELEASE SYSTEM.—A safety vacuum release system which ceases operation of the pump, reverses the circulation flow, or otherwise provides a vacuum release at a suction outlet when a blockage is detected, that has been tested by an independent third party and found to conform to ASME/ANSI standard A112.19.17 or ASTM standard F2387.

(B) SUCTION-LIMITING VENT SYSTEM.—A suction-limiting vent system with a tamper-resistant atmospheric opening.

(C) GRAVITY DRAINAGE SYSTEM.—A gravity drainage system that utilizes a collector tank.

(D) AUTOMATIC PUMP SHUT-OFF SYSTEM.—An automatic pump shut-off system.

(E) DRAIN DISABLEMENT.—A device or system that disables the drain.

(F) OTHER SYSTEMS.—Any other system determined by the Commission to be equally effective as, or better than, the systems described in subparagraphs (A) through (E) of this paragraph at preventing or eliminating the risk of injury or death associated with pool drainage systems.

(2) APPLICABLE STANDARDS.—Any device or system described in subparagraphs (B) through (E) of paragraph (1) shall meet the requirements of any ASME/ANSI or ASTM performance standard if there is such a standard for such a device or system, or any applicable consumer product safety standard.

SEC. 6. EDUCATION PROGRAM.

(a) IN GENERAL.—The Commission shall establish and carry out an education program to inform the public of methods to prevent drowning and entrapment in swimming pools and spas. In carrying out the program, the Commission shall develop—

(1) educational materials designed for pool manufacturers, pool service companies, and pool supply retail outlets;

(2) educational materials designed for pool owners and operators; and

(3) a national media campaign to promote awareness of pool and spa safety.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission for each of fiscal years 2008 through 2012 $5,000,000 to carry out the education program authorized by subsection (a).

SEC. 7. DEFINITIONS.

In this Act:

(1) ASME/ANSI STANDARD.—The term ''ASME/ANSI standard'' means a safety standard accredited by the American National Standards Institute and published by the American Society of Mechanical Engineers.

(2) ASTM STANDARD.—The term ''ASTM standard'' means a safety standard issued by ASTM International, formerly known as the American Society for Testing and Materials.

(3) BARRIER.—The term ''barrier'' includes a natural or constructed topographical feature that prevents unpermitted access by children to a swimming pool, and, with respect to a hot tub, a lockable cover.

(4) COMMISSION.—The term ''Commission'' means the Consumer Product Safety Commission.

(5) MAIN DRAIN.—The term ''main drain'' means a submerged suction outlet typically located at the bottom of a pool or spa to conduct water to a re-circulating pump.

(6) SAFETY VACUUM RELEASE SYSTEM.—The term ''safety vacuum release system'' means a vacuum release system capable of providing vacuum release at a suction outlet caused by a high vacuum occurrence due to a suction outlet flow blockage.

(7) UNBLOCKABLE DRAIN.—The term ''unblockable drain'' means a drain of any size and shape that a human body cannot sufficiently block to create a suction entrapment hazard.

(8) SWIMMING POOL; SPA.—The term ''swimming pool'' or ''spa'' means any outdoor or indoor structure intended for swimming or recreational bathing, including in-ground and above-ground structures, and includes hot tubs, spas, portable spas, and non-portable wading pools.

SEC. 8. CPSC REPORT.

Within 1 year after the close of each fiscal year for which grants are made under section 4, the Commission shall submit a report to

the Congress evaluating the effectiveness of the grant program authorized by that section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BARTON) and the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support tonight of S. 3718, the Pool and Spa Safety Act that has come to this body with the help and the leadership of the gentleman from Virginia (Mr. WOLF), the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), and Senator George Allen of Virginia.

This legislation, if the House and Senate pass it this evening, will help to ensure that backyard pools will no longer present an unexpected danger to American children and families.

I urge my colleagues to support this bill. I would point out to my Republican colleagues, there are no Federal mandates in this bill. There is a consumer product safety standard that would require new pool drain covers that are sold or entered into commerce and installed 1 year after date of enactment of this bill to meet certain safety standards. So there is a safety standard in the bill that is not in current law, but in terms of any mandates on swimming pools that are already in existence, there are no Federal mandates in this piece of legislation. I urge passage of the bill.

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

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the gentleman from Texas's support and want to describe the legislation and tell Members that drowning is the second leading cause of accidental childhood deaths by injury in the United States. It is the number one killer of children under 5 years of age in America, and the number two killer of children under 14 years of age.

Mr. Speaker, 335 children across the Nation drowned in swimming pools or spas in 2002. That is 335 lives that were cut very short because we did not act quickly enough to address this problem.

This legislation is named in memory of Secretary of State James A. Baker's granddaughter, 7-year-old Graeme, who drowned in a spa entrapment accident a number of years ago.

Graeme and the roughly 300 children that died that year due to drain entrapment would be with us today if this commonsense legislation had been law.

The pool and spa safety legislation we are considering will encourage States to pass laws that prevent the tragic and preventable loss of children to accidental drowning.

This legislation provides Federal incentives, not mandates, as the gentleman from Texas indicated, for States, and provides layers of protection and puts obstacles in the path of a child when supervision lapses.

We all know when it comes to making sure that children don't drown in swimming pools that supervision is paramount. But as any parent can tell you, and I am a parent of three, we all know that supervision does lapse. Every year each of us across the country, each of us in our own districts, hear news reports and read the newspaper about tragic incidents that occur in swimming pools year after year.

Mr. Speaker, 65 percent of the drownings that occur in swimming pools occur when a child wanders out the back door of home they are in and drowns in the pool in the backyard; 35 percent of the drownings take place when a child from a neighbor's yard comes into the yard a couple of doors down and drowns in the pool. This is a tragedy that can happen in an instant.

When it comes to suction drain entrapment accidents, what happens is young children are actually pulled under because the suction from a single drain in a spa is so strong that the strength of several men cannot even pull the child off the drain. Children have been disemboweled. There are children that because we don't have dual drains or spa drain covers, which this bill would incentivize, there are children drowning needlessly.

We have to make sure that we put obstacles in the path of children when, through no fault of their own, supervision lapses. I urge Members to vote to protect children from drowning and pass the Graeme Baker Pool and Spa Safety Act.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in closing, this is a good piece of legislation. I have a 15-month-old son, Jack Kevin Barton. We have a hot tub in our back yard in Arlington, Texas. We keep it covered at all times unless one of the family is actually using it.

This type of legislation if passed and implemented will make it much more difficult for small children who are unattended and wander out and get into these pools and spas and drown because they are not as safe as they could be. I hope that the House will unanimously pass the legislation.

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 Texas (Mr. BARTON) that the House suspend the rules and pass the Senate bill, S. 3718.

The question was taken.

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

Mr. WESTMORELAND. 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 question will be postponed.

The point of no quorum is considered withdrawn.

NOTICE

Today's House proceedings will be continued in Book II

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

Vol. 152 WASHINGTON, FRIDAY, DECEMBER 8, 2006 No. 135

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, who alone spreads out the heavens and rules the raging of the sea, as we approach the end of the 109th Congress, our hearts sing in gratitude for Your providential care. While facing mountains and valleys, victories and defeats, we have been sustained by Your power and love. Through experiences of profit and loss, of success and failure, of health and sickness, of triumph and tragedy, You have worked for our good. Because of Your mercies,

NOTICE

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By order of the Joint Committee on Printing.

TRENT LOTT, *Chairman.*

NOTICE

If the 109th Congress, 2d Session, adjourns sine die on or before December 15, 2006, a final issue of the *Congressional Record* for the 109th Congress, 2d Session, will be published on Wednesday, December 27, 2006, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Wednesday, December 27. The final issue will be dated Wednesday, December 27, 2006, and will be delivered on Thursday, December 28, 2006.

None of the material printed in the final issue of the *Congressional Record* may contain subject matter, or relate to any event that occurred after the sine die date.

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By order of the Joint Committee on Printing.

TRENT LOTT, *Chairman.*

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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the weapons formed against us have not prospered.

Thank You for Your favor that rests upon our land, for freedoms that cause our hearts to soar. Thank You for guiding our Senators in their efforts to do Your will. In the days to come, we commit ourselves anew to seek Your guidance and follow Your plan.

We pray in Your all-powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business until 10:30 a.m., with the time equally divided between the two leaders or their designees.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. BUNNING. Mr. President, this morning the Senate will debate the motion to invoke cloture on the nomination of Kent Jordan to be a U.S. circuit judge. Under the regular order, that cloture vote will occur at 10:30 a.m. this morning. Once cloture has been invoked, we would hope to have a vote on confirmation shortly.

There are many critical legislative and executive items that must be completed before the Senate adjourns sine die, including a continuing resolution, the tax extender package, the U.S.-Indian nuclear agreement, and a number of other items that both sides are attempting to clear for action.

The Senate will remain in session into the weekend, if necessary, in order to finish our work.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. ISAKSON). Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CLERK

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that if cloture is invoked this morning on the Jordan nomination, there be 2 hours of debate equally divided between the chairman and ranking member and that following that time, the Senate proceed immediately to vote on the confirmation of the nomination with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON THE CALENDAR—S. 4110

Mr. FRIST. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will read the bill for a second time by title.

The legislative clerk read as follows:

A bill (S. 4110) to enhance Federal Trade Commission enforcement against illegal spam, spyware and cross-border fraud and deception, and for other purposes.

Mr. FRIST. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

PERMITTING EXPENDITIURES FROM THE LEAKING UNDERGROUND STORAGE TANK TRUST FUND

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of H.R. 6131 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6131) to permit certain expenditures from the Leaking Underground Storage Tank Trust Fund.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6131) was ordered to a third reading, was read the third time, and passed.

UNITED STATES TSUNAMI WARNING AND PROTECTION ACT

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 1674 received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1674) to strengthen and authorize the Tsunami Protection, Warning and Mitigation Program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1674) was ordered to a third reading, was read the third time, and passed.

Mr. FRIST. Mr. President, that completes one round of business we will be doing over the course of the day. We will be coming to the floor to take care of business as it is completed. There is a lot of activity between the House and the Senate, and as we continue to move on these unanimous consent requests we will bring them to the floor over the course of the day.

HEALTH CARE POLICY

Mr. FRIST. Mr. President, I wish to briefly comment on health care policy which we have been able to accomplish over the last several years.

As most people know, for 20 years before I entered politics, I devoted my life to healing and to helping people one-on-one through medicine, and now for 12 years in the Senate I have tried to focus on healing and helping people using public policy.

From the outset, I have worked hard to place medicine and health care at the center of our national agenda.

I had a meeting at the White House earlier this morning. I restated how important it is that we address what is a coming tsunami as our aging population incessantly is coming toward us similar to a big tidal wave. It will be here in a few years.

Health care affects our global competitiveness. It affects our $8.5 trillion debt, our deficit, and our State budgets. It is intensely personal. It affects all of us in a very direct way because we are all sick at one time or another.

I am very proud of the work we have been able to accomplish on the floor in this body on health care policy. Thanks to a new Medicare Part D drug benefit, millions of seniors today are receiving access to drugs they didn't have before—drugs that can prevent heart attack or can prevent a stroke or can prevent various kinds of maladies from which people suffer. People today who have this affordable access to drugs no longer have to worry about having an illness or serious illness hit them and being able to buy those drugs which they need to treat that illness.

In that prescription drug coverage legislation which we passed, all Americans gained better access to health care through what we put in as Health Savings Accounts, accounts that you own, that you can control, that you can take with you.

Over a 5-year period in this body, we had an initiative which was completed to double the NIH budget. That leads

to new cures today and new therapies tomorrow.

I am also particularly proud of this body passing the United States Leadership Against Global HIV/AIDS, Tuberculosis, and Malaria Act. As my colleagues know, respectively, 3 million people die of the first, 2 million of the second, and 1 million of the third of the disease I mentioned. Move than 5 million people die a year. These are three deadly infectious diseases that can be controlled.

We took a major step forward with that $15 billion commitment. There is a lot more to do to address our health care system today. I am a great advocate of aligning our values and our incentives on results and outcomes. I believe in that vision of a health care system that is centered around a patient, or ''the patient,'' that is provider friendly, that is driven by three things: 21st century information; second, by choice; and third, driven by some element of control. A consumer-driven system is that vision, that model, to which we should all strive.

We need to change the way we think about health care, we need to reign in those frivolous lawsuits. We tried again and again to do so in the Senate the last 4 years and have been unsuccessful. The frivolous lawsuits drive up the cost of your health care, my colleagues' health care, and the cost of health care of everyone in this country.

We also need to address quality of health care to make sure those medical errors are eliminated, those needless medical errors that are made in our health care system today.

I am proud of the contributions Congress has made. We have much more to do.

Mr. President, when I placed my hand on the Bible and took my oath of office on a cold morning in 1995, I did not know many things I know today. But I knew with certainty that medicine would play a major role in my career in the Senate.

I kept the letters M.D. beside my name in my Senate office. I kept a stethoscope on my desk. And I kept my mind on the work of healing—of helping.

For 20 years before I entered politics, I devoted my life to helping people one-on-one. I performed 150 major transplants and, I hope, did a little to advance the science of transplantation. For 12 years in the Senate, I focused on the needs and interests of the people of Tennessee, the nation and, and around the world.

And, throughout it, I have done my best to remember where I came from: medicine. At the onset of my Senate career, I began working to place medicine at the center of our national agenda and promote its role around the world. Health care, after all, affects all of us, at every stage of our lives. I've spent enormous time on health and I hope it has made a difference.

I am proud of the work I have done to improve Medicare and preserve its promise to America's seniors. Thanks to the new Medicare Part D drug benefit, millions of American seniors will no longer have to worry about how they will pay for their prescriptions. Just as importantly, the new Part D benefit serves as a template for the future of Medicare: it empowers consumers and lets them choose the plan that fits their needs best. Most seniors have more than 20 choices, satisfaction is high, and costs to consumers have been less than we projected. The plan is a success. And we did it without having to impose price controls or caps that would stifle innovation and dry up the supply of new medicines.

The changes we created with the historic Medicare Modernization Act of 2003 do not end with the drug benefit. Medicare has begun to change its focus as well: it includes a first-ever ''welcome to Medicare'' exam and new coverage for tests that will help us prevent and treat diseases before they become major problems. Under the same legislation, nearly all Americans also gained much broader access to a new type of health coverage—Health Savings Accounts that they own, control, and carry with them from job to job.

I believe my efforts with regard to the National Institutes of Health embody the same forward-looking spirit that led to improvements in Medicare. For years, NIH's budget grew only about as fast as our overall economy even though medicine became an increasingly important economic activity. My medical colleagues told me that necessary research could not always find funding—and the American people made it clear they wanted a stronger federal commitment to medical research.

Over a 5-year period, I helped lead a bipartisan effort to double NIH's budget. And it's paying off. Among other things, NIH research has discovered new triggers for childhood asthma, innovative new ways to prevent diabetes, treatments to reduce mother-to-child HIV/AIDS transmission, new treatments for stroke, and dozens of other innovative medical techniques. Thanks to NIH research, the miracle medicines of tomorrow have begun to arrive more quickly. NIH research has saved thousands of lives.

Our efforts to improve medicine have not stopped at America's shores. Health care can as a currency of peace. It can provide hope. It can give relief. And I'm proud of the way I have worked to improve it around the world.

I am particularly proud of the leadership role I played in the United States Leadership Against Global HIV/AIDS, Tuberculosis, and Malaria Act of 2003. These three deadly infectious diseases kill over a million people each year in the underdeveloped world. These infectious diseases do the most damage to the world's health. AIDS, the World Health Organization reports, steals more years of healthy life than any other disease. TB and Malaria—although usually not fatal—do enormous damage to health throughout the underdeveloped world and cost some of the poorest countries billions of dollars. It's vital that we attack them, fight them, and win. And we're making progress. Water has improved, reducing malaria. More and more people in the underdeveloped world are getting antiretrovirals to fight HIV/AIDS. Widespread education on the Abstain/Be Faithful/Use Condom ABC model has proven effective in limiting the spread of AIDS. In my own missionary work In Africa-trips—I've taken every couple years—I have seen what these diseases can do—and the devastation that they can cause. The result: we've slowed the progress of these diseases, and we've saved millions of lives.

We still have much work ahead of us. Enormous numbers of Americans still lack insurance. Through the State Children's Health Insurance Program SCHIP and HSAs we have made it easier for some Americans to get health insurance. But we haven't done enough. Over the next several years, I hope Congress will work to change our health care system so all Americans have affordable, reliable health coverage.

But simply expanding insurance coverage isn't enough. We need to change the way we think about health care so we focus on results and value for patients. Getting there isn't going to be easy. To do it, we need national, interoperable, privacy protected electronic medical records for all Americans who want them. We need to rethink the way we structure medical practices, and we need to do a better job monitoring quality.

We also need to reign in predatory trial lawyers who stand in the way of the doctor-patient relationship by encouraging doctors to care more about avoiding liability and less about providing high quality medical care. Medicare and Medicaid, too, need additional and sustained reforms to ensure our federal programs are in line with ever-changing realities.

American health care still faces enormous problems. We have tremendous work ahead of us. I am proud to have played a role in the health care reforms of the past 12 years, and I will continue to speak, think, and write about the vital importance of health care to our future as a nation. I entered this body as a physician and I will leave as one.

REASSIGNING THE HENRY CLAY DESK

Mr. McCONNELL. Mr. President, 6½ years ago the Senate acted to ensure that the desk of Henry Clay would forever stay in the family of Kentucky Senators.

Henry Clay, the greatest statesman that my home State ever produced, served the people as speaker of the Kentucky House of Representatives, Speaker of the U.S. House of Representatives, Secretary of State under

President John Quincy Adams, and of course as one of the greatest Senators to ever walk through the Capitol.

He was also honored to receive his party's nomination for President three times, in 1824, 1832 and 1844.

The essence of legislating in the Senate, as 100 viewpoints are brought together to create one law, is compromise. Henry Clay became known as the Great Compromiser by forging the compromise that would keep his precious Union together.

Clay did not compromise in the sense of forsaking his principles. Rather, his skill was to bring together disparate ideas and forge a consensus among his colleagues. That is a skill we could certainly use more of now.

We recognize his dedication and service to our Nation by displaying his portrait just off the Senate floor as one of history's most outstanding Senators.

In the 106th Congress, the Senate unanimously resolved that the Senate desk once used by Henry Clay would be assigned to the senior Senator from Kentucky, to maintain the Clay legacy.

Only two other desks are so honored. In the 94th Congress, the Senate assigned the desk of Daniel Webster to the senior Senator from New Hampshire. And in the 104th Congress, the Senate assigned the desk of Jefferson Davis to the senior Senator from Mississippi.

Since 1999 I have been honored to use the Clay desk, and would have been honored to do so for the remainder of my Senate career. However, in January I will begin service as the 15th Republican leader.

With the Republican leader's position comes the Republican leader's desk—a desk equally steeped in tradition. First used by Republican Leader Charles McNary of Oregon in 1937, it has been passed to nearly every Republican leader since.

Leaders such as Robert Taft, William Knowland, and Everett Dirksen have sat behind it. So have leaders I have been fortunate to know and work with, men like Howard Baker, Bob Dole, TRENT LOTT and, currently, BILL FRIST.

In fact, Senator LOTT spoke on the floor on behalf of my resolution of 1999, and he also had some very kind words for me that I have not forgotten. I want to thank my good friend, the Senator from Mississippi, for that kindness.

So I was faced with a decision, the same decision that faced Senator Styles Bridges of New Hampshire when he was elected Republican leader in 1952.

At that time, Senator Bridges was using the famed Daniel Webster desk. Rather than give up that desk, he chose to have it moved to the front row of the Chamber, and he became the only Republican leader since Senator McNary to not use the Republican leader's desk. In fact, the Congressional Directory lists the desk as unassigned during 1952.

I can understand Senator Bridges's decision to keep the Webster desk in the family of New Hampshire Senators.

And yet it would be a shame not to follow the custom set by the Republican leaders I have just named, as well. So today, I come to the floor to offer a resolution to keep both of these venerable traditions alive.

This resolution will amend the resolution of 1999 by adding that, if the senior Senator from Kentucky is also a floor leader, then the Henry Clay desk will go to the junior Senator from Kentucky. That way, we can ensure the Bluegrass State will maintain its link to a tradition symbolized by this mahogany desk.

I am sure my colleague and friend Senator BUNNING will honor and keep the legacy of the Henry Clay desk—a legacy I have been proud to help continue. Mr. President, I ask unanimous consent that a list of every Republican leader to have used the Republican leader's desk be printed the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LIST OF SENATE REPUBLICAN LEADERS WHO HAVE USED THE REPUBLICAN LEADER'S DESK

The first Senate Republican Leader to use the Leader's desk was Senator Charles L. McNary of Oregon, who began serving as Leader in 1933 and began using the Leader's desk in 1937. Since 1937, 11 Republican Leaders have been assigned the desk:

Charles L. McNary (Oregon), 1937–1944
Wallace H. White Jr. (Maine), 1945–1949
Kenneth S. Wherry (Nebraska), 1949–1951
(Note: Sen. Wherry died on November 29, 1951. During 1952 the Congressional Directory lists the Republican Leader's desk as unassigned.)
Robert A. Taft (Ohio), 1953
William F. Knowland (California), 1953–1959
Everett M. Dirksen (Illinois), 1959–1969
Hugh D. Scott Jr. (Pennsylvania), 1969–1977
Howard H. Baker Jr. (Tennessee), 1977–1985
Robert J. Dole (Kansas), 1985–1996
Trent Lott (Mississippi), 1996–2003
William H. Frist (Tennessee), 2003–2007

Mr. MCCONNELL. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of S. Res. 630 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 630) allowing the senior Senator from Kentucky to reassign the Henry Clay desk when serving as party leader.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 630) was agreed to, as follows:

S. RES. 630

Resolved, That S. Res. 89 (106th Congress) is amended by—

(1) inserting ''(a)'' after ''That''; and

(2) adding at the end the following:

''(b) If, in any Congress, the senior Senator from the State of Kentucky is serving as party leader, the desk referred to in subsection (a) may be assigned to the junior Senator from Kentucky upon the request of the senior Senator.''.

Mr. MCCONNELL. Mr. President, I have passed the baton, if you will, of the Henry Clay desk to my colleague from Kentucky, Senator BUNNING, who is also here.

I yield the floor and look forward to hearing his remarks.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Mr. President, first, I thank my senior colleague—not senior colleague but senior Senator from Kentucky for this wonderful gesture.

Every young student in Kentucky knows the legend of Henry Clay. My wife Mary and our children all learned about Henry Clay in Kentucky schools. Many of my grandchildren in Kentucky have also heard the stories of Henry Clay's time spent as a member of the Kentucky House of Representatives where he became speaker, Speaker of the U.S. House of Representatives, Secretary of State in the United States, and U.S. Senator.

Henry Clay served the people of Kentucky for nearly one-half a century. He also is called and should be called one of the greatest Senators in the history of the Senate for the compromises he brokered during the divisive war years before the Civil War.

Henry Clay's legends remains with all Kentuckians today. His home in Lexington is a revered site in Kentucky. A statue and portrait of Henry Clay stands just off the Senate floor, and the desk of Henry Clay used when he served in this great body remains with us today, as well. As my colleague Senator MCCONNELL said, he has used that desk since it was assigned to the senior Senator from Kentucky.

Senator MCCONNELL is a student of Kentucky history and a student also of the history of the Senate. Like Henry Clay, Senator MCCONNELL has become a respected leader in this Senate. Now with Senator MCCONNELL's new role as the Republican leader in the 110th Congress comes a new desk and with it, its own special history. He has been gracious to introduce and pass a resolution to allow Henry Clay's desk to remain forever in the family of Kentucky Senators.

As the junior Senator from Kentucky, it would be an honor to serve in this Senate with the same desk that Henry Clay once called his own. It is with deep gratitude and thanks to my senior Senator from Kentucky for his work on this resolution that I have cosponsored, and I hope my colleagues are as excited as I am about what has just happened, the fact that my time in the Senate will at least be spent, partially, at the desk of Henry Clay, the great compromiser from Kentucky.

I thank my senior Senator for all the work he has done in his entire Senate career and particularly today on passing Henry Clay's desk on to the junior Senator.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

TRIBUTE TO ALEC GIFFORD

Ms. LANDRIEU. Mr. President, I pay tribute this morning to a great American journalist from New Orleans, LA. Alec Gifford will be formally retiring from WDSU in New Orleans this December after an extraordinarily lengthy, fulfilling, and energetic career covering politics and a whole range of issues over decades, including hurricanes, storms and other disasters. He even hosted, believe it or not, a cooking show.

Alec came from a family of journalists. His father covered Governor Huey Long for the Times-Picayune, and his grandfather published one of the first local French language newspapers. So his family tradition has deep roots in Louisiana and in New Orleans. After serving in the U.S. Navy, Alec came to WDSU in 1955. He introduced the people of Louisiana to a very young Senator at the time, John F. Kennedy, as he sought to become—and ultimately did—the President of the United States. Just as we have spent many hours on this floor in recent months and years discussing the share of royalties that Louisiana should get from energy production off of our coast—and I believed I was the first on the story—I was corrected by my staff that Alec Gifford was one of the first on the story four decades ago.

He asked Senator Kennedy his position on how these royalties would be handled when he came in to campaign for the Presidency back then. And he also pressed him on the Nation's path toward an equal education for all of our children during that extraordinary historic interview.

Louisiana later gave all of its electoral votes to Senator Kennedy, who became our 35th President. We then, of course, passed major legislation for equal opportunity, and today or tomorrow we will be passing a historic piece of legislation on royalty sharing after all these many years.

Alec was a journalist who always knew the important stories and managed to explain them to the people at home in a way they could grasp and understand the impact on their daily, everyday lives, and their future.

But Alec really made a name for himself in 1965, demonstrating his dedication to the story when Hurricane Betsy struck Louisiana. While every other station had lost their ability to broadcast back in 1965—the city and region were basically dark and shut down, and the winds were howling, and the waters were almost as high as during Katrina—Alec stood in the path of the hurricane and brought images of the storm into every home that could receive a television signal.

Forty years later, he was there again for us with Hurricanes Katrina and Rita. He evacuated himself to Jackson, MS, but stayed on the story, as many brave journalists did. But Alec has been doing this for so long. His accomplishments throughout this were singular. Working his way—scratching, crawling his way—back to New Orleans, like many of our journalists did, he continued to stay on the story.

The hurricanes could not stop him. The flooding could not stop him. And in a few simple sentences, Alec Gifford illustrated the magnitude of the impact that Hurricanes Katrina and Rita have had on Louisiana, when he said:

> This is nothing like Betsy. . . . Betsy was a horrible storm. Betsy was a walk in the park. I cannot believe how Katrina and Rita have turned our world upside down and backward. Isn't it amazing how everything changes?

But Alec has not changed at all over these decades. He has stayed resolute, committed to his craft, energetic, and absolutely consistent in his work ethic. He is almost 80 years young, and he has never slowed down. His colleague, Travers Mackel, can attest to that. He said:

> I'm 31 years old, and I have a tough time keeping up with him. He's the first one in to work [in the morning] and the last one out the door.

His news director, Anzio Williams, said: ''I don't ever want to hear anybody complain,'' he says to his staff, ''about being overworked and overstressed. This guy, [referring to Alec], outworks everybody.''

But after a half a century on the air, at WDSU, WVUE, and for NBC News, Alec has decided to retire. He has certainly left his mark on the news in New Orleans, hiring the next generation of WDSU in anchor Norm Robinson and reporter Richard Angelico—who both have done an outstanding job for our community—but he will now be able to spend more time with the people he cares about most, his wife Delores, his five children, and his eight grandchildren.

He is truly part of the soul of our city, and a shining example of the best in his craft—a reporter to the core, a man willing to stay on the job, no matter what, to tell the story, to tell it right, to tell it clearly. Alec Gifford may be leaving the studio, but he is not leaving our hearts and our memories. I for one would not be surprised to see him on television again. I am sure he will come back in a different capacity, in a different way, but this Senator would like to say how much I have personally appreciated his service to our community and wanted to pay tribute to Alec Gifford today on the eve of his retirement from WDSU.

HONORING SENATORIAL SERVICE

Ms. LANDRIEU. Mr. President, I have a few more minutes before the 10:30 vote, and I take this time to say a few words about some of my colleagues who are retiring. We had a good bit of time yesterday devoted to their tremendous contributions, and as each of us, the 100 of us, do know each other pretty well, I have come to the floor to say a few things about several of the colleagues I have had the distinct pleasure of working with very closely.

BILL FRIST

Mr. President, one is, of course, Senator BILL FRIST, our retiring majority leader. I had the wonderful opportunity to be invited to travel with Senator FRIST. I guess you could say it was clearly an opportunity. It was not necessarily a pleasurable trip in the sense that the first trip I took with him was to tour the devastation of the tsunami. Soon after he assumed the role of leader, the tsunami hit the Indian coastline. It was one of the largest disasters in the recent history of the world.

I had a chance to go to that region with Senator FRIST. I actually saw him firsthand don his doctor's coat and take off, if you will, his hat as Senator and put on his coat as doctor and operate. I agreed to go on that trip with him under one condition, that I myself would not have to go with him into the operating rooms. So I stayed outside and talked with people while he went in and actually did the hard work of saving people's lives and bringing them back to health.

But what I will most remember about that trip—and there were about six of us on it—is that he was the first one awake in the morning, the last one to go to bed at night, constantly working until the point where those of us said we are unlikely to ever travel with him again because we could not get any rest through the entire week and were so exhausted when we got back. We said: If he calls again to ask us to travel, tell him I am doing something else. I am kidding, of course. But I say that with the greatest admiration for a man who has an extraordinary work ethic. And through so many ups and downs, literally, of these helicopters and trips, I remember him staying so steady and so calm, even when we saw some of the most horrific sights you can imagine.

But he has led this Chamber and brought his own style of leadership and his own gifts that God has given him to this Chamber. I am a Senator who truly admires that particular aspect of his service and wanted to put that into the RECORD in a small way this morning.

JIM JEFFORDS

Mr. President, I also want to remember for a minute the good work of Senator JEFFORDS. Senator JEFFORDS tends to be one of the quiet Members of the Senate. Some of us talk a lot more than others. He does not do much talking, but he sure gets a lot done. I will never forget, and the people of Louisiana are so grateful to Senator JEFFORDS, as he chaired the EPW Committee, for being one of the first Senators in this Chamber to recognize the extraordinary loss of our wetlands and what it would mean to south Louisiana and the Gulf of Mexico. And ultimately, of course, we saw the tragedy

unfold before our eyes. Had we listened to Senator JEFFORDS, and the other few voices who were calling out years ago, perhaps some of that loss of life and billions of dollars of loss of property could have been averted.

Senator JEFFORDS came down to Louisiana on several occasions. One I will never forget is standing with him in this very southern part of the State in Lafourche Parish, literally almost into the gulf waters, we were so far down south. I was explaining to him—and this is far out from New Orleans. You have to try a little hard to get there. You fly into the big airport, and then you have to go by either bus or helicopter, and it is difficult. And, of course, Senator JEFFORDS' health has not been great lately. But he was a real trooper, and he said: No, Mary. I want to go, and I want to see it.

So we flew him way down to the wetlands, and he and I were standing there, and I was explaining to him how his work in the Senate was affecting the lives of my constituents down in the bayou and was saying: Senator, almost once a week or so some fishing vessel or shrimp trawler runs into this bridge. And when the bridge shuts down, we literally not only keep schoolchildren from getting to school and parents from getting to their children, but we literally shut down the whole offshore oil and gas industry or a big part of it, because when a bridge shuts down, none of the trucks can move, no supplies can get out to the rigs. Don't you think this country, which spends trillions of dollars every year, can spend a few million dollars to fix this bridge?

The words had not gotten out of my mouth when a shrimp trawler hit the bridge, and the bridge moved slightly. The big wings of the shrimp trawler collapsed, and Senator JEFFORDS looked at me and said: Now, Mary, you have gotten way too dramatic on this point. You did not have to set that stage for that boat to hit that bridge. He said: I get the message. So we, of course, had a laugh about that.

But his sense of humor, his commitment, and his passion for the environment and the people who live on the land, the people who live in this natural environment, is what has always made me a real fan of his. I want him to know I am going to miss him and his staff who have also been extremely kind to me and my staff in the Senate.

MIKE DEWINE

Mr. President, I wish to speak about Senator DEWINE, my distinguished colleague from Ohio, and a good friend, and a man whom I have worked very closely with in our capacity as appropriators. Also, we share a passion for the child welfare system in this Nation, trying to improve it—of course, promoting adoption, the notion that there is no such thing as unwanted children, just unfound families.

I could not but come to the floor and say that MIKE DEWINE is literally one of the most compassionate men I have ever known. That compassion is obvious to anyone who works closely with him day in and day out. It is not fake. It is very real. And the spiritual depths of which he and his wife Fran and their children live their faith—not just talk about it, not just use it as a shield to protect them, but as a way to serve others—is quite extraordinary.

This Senator has seen that in him and his work, side by side with him. I want my other colleagues to know that if it were not for Senator MIKE DEWINE, the District of Columbia would not have their family court, the country would not have the stable families legislation he and Senator ROCKEFELLER pushed through this Chamber at a time when not that many people understood the consequence of a foster care system in disrepair and what happens to children when they get stuck in a system that does not appreciate their dignity or respect their right to a family.

Senator DEWINE, a family man himself, most certainly understands that and pushed that legislation through, and dozens of other pieces of legislation that I had the privilege to help him with, and to assist him with, and to watch him lead on. So I am certainly going to miss his leadership. But I will commit to him my focus on Haiti. I will never be able to fill the shoes he has laid out with the work he has done, but several of us intend to continue his work with Haiti, the poorest nation on the Earth, and continue his great passion, as much as we can, in our time here in the Senate.

LINCOLN CHAFEE

Mr. President, Senator LINCOLN CHAFEE of Rhode Island has been an independent voice for his State and the issues he believes in, regardless of partisan consideration. He will be missed by all of us.

CONRAD BURNS

Mr. President, Senator CONRAD BURNS has represented his State of Montana for three terms. He has been a stalwart on behalf of his constituents and his philosophy of government. We thank him for his public service.

GEORGE ALLEN

Mr. President, finally, I want to recognize the Senator from Virginia, GEORGE ALLEN, for his service as Senator and as Governor of his State. We have worked together on a range of issues on the Energy and Small Business Committees as well as on the historic antilynching bill.

To all of our retiring Members, I say thank you. Thank you for your efforts on behalf of my State when you were needed and thank you for your service to America.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

NOMINATION OF KENT A. JORDAN

Mr. SPECTER. Mr. President, we are due to vote in 2 minutes on the cloture motion to cut off debate so we can proceed to a vote on the nomination of Kent A. Jordan to serve on the U.S. Court of Appeals for the Third Circuit. Kent Jordan now is Judge Jordan on the U.S. District Court for the District of Delaware. He has an outstanding academic and professional record. He graduated cum laude from the Georgetown Law Center.

Judge Jordan was nominated to serve on the U.S. Court of Appeals for the Third Circuit on June 28, 2006. A hearing was held for his nomination on September 6, 2006. His nomination reported out of the Judiciary Committee with a favorable recommendation on September 26, 2006.

In 1981, Judge Jordan received his BA from Brigham Young University, where he graduated with high honors. In 1984, he received his JD from the Georgetown Law Center, where he graduated cum laude.

Following law school Judge Jordan served as a law clerk to the Honorable James L. Latchum, U.S. District Judge for the District of Delaware. After his clerkship, he entered private practice as an associate at Potter Anderson & Corroon. From 1987 to 1992, he served as an Assistant U.S. Attorney in the U.S. Attorney's Office for the District of Delaware, where he became the office's lead attorney on civil matters and served as lead and cocounsel on a variety of criminal matters.

He then joined Morris James Hitchens & Williams as an associate in 1992, becoming a partner in 1994. While at the firm he handled intellectual property, corporate, and commercial litigation.

From 1998 to 2002, he served as vice-president and general counsel for the Corporation Service Company in Wilmington, DE.

In 2002, he was nominated and confirmed as a district judge for the District of Delaware, where he still sits.

Judge Jordan is also a scholar who teaches as an adjunct professor at three law schools: the University of Pennsylvania, Vanderbilt, and Widener. Judge Jordan has spoken and published articles on intellectual property, civil procedure, advocacy, and professional responsibility. He has also contributed chapters to several legal titles, including two manuals used in the Third Circuit: ''Federal Appellate Procedure ''and'' Federal Civil Procedure Before Trial.''

Judge Jordan has received a unanimous ''well qualified'' rating from the American Bar Association.

Mr. President, I ask unanimous consent that his resume and a full statement of his accomplishments be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

KENT A. JORDAN, U.S. COURT OF APPEALS FOR THE THIRD CIRCUIT

Birth:

Oct. 24, 1957, West Point, New York

Legal Residence:

Delaware

Education:

B.A., Brigham Young University, with high honors, 1981

J.D., Georgetown Law Center, cum laude, 1984

Employment:

Law Clerk, James L. Latchum, U.S. District Court for the District of Delaware, 1984–1985

Associate, Potter Anderson & Corroon, 1985–1987

Assistant United States Attorney, U.S. Attorney's Office for the District of Delaware, 1987–1992

Associate, Morris James Hitchens & Williams, 1992–1993; Partner, 1994–1997

Vice-President and General Counsel, Corporation Service Company, 1998–2002

United States District Judge, District of Delaware, 2002–present

Selected Activities:

Member of the Board of Directors, Community Legal Aid Society, Inc., 1994–1997

Member, Delaware State Bar Association, 1984–present

Member, District of Columbia Bar Association, 1996–present

Member, American Bar Association, 1984 to early 1990s

Member, Federalist Society, 1995–1997

Adjunct professor at: Widener University School of Law, 1995–1996; 2006–present; Vanderbilt University School of Law, 2003–present; University of Pennsylvania Law School, 2005–present.

Judge Kent Jordan, of the United States District Court for the District of Delaware, was nominated to serve on the United States Court of Appeals for the Third Circuit on June 28, 2006. A hearing was held for his nomination on September 6, 2006. His nomination reported out of the Judiciary Committee with a favorable recommendation on September 26, 2006.

In 1981, Judge Jordan received his B.A. from Brigham Young University, where he graduated with high honors. In 1984, he received his J.D. from the Georgetown Law Center, where he graduated cum laude. Following law school Judge Jordan served as a law clerk to the Honorable James L. Latchum, U.S. District Judge for the District of Delaware. After his clerkship, he entered private practice as an associate at Potter Anderson & Corroon. From 1987 to 1992, he served as an Assistant United States Attorney in the U.S. Attorney's Office for the District of Delaware, where he became the office's lead attorney on civil matters and served as lead and co-counsel on a variety of criminal matters.

He then joined Morris James Hitchens & Williams as an associate in 1992, becoming a partner in 1994. While at the firm he handled intellectual property, corporate, and commercial litigation. From 1998 to 2002, he served as vice-president and general counsel for the Corporation Service Company in Wilmington, DE. In 2002, he was nominated and confirmed as a District Judge for the District of Delaware.

Judge Jordan is also a scholar who teaches as an adjunct professor at three law schools: the University of Pennsylvania, Vanderbilt University, and Widener University. Judge Jordan has spoken and published articles on intellectual property, civil procedure, advocacy, and professional responsibility. He has also contributed chapters to several legal titles, including two manuals used in the Third Circuit: Federal Appellate Procedure and Federal Civil Procedure Before Trial.

Judge Jordan has received a unanimous ''Well Qualified'' rating from the American Bar Association. He enjoys the strong support of both Delaware Senators.

Mr. SPECTER. Mr. President, in the 30 seconds remaining, I urge my colleagues to proceed to vote on the nomination of Judge Jordan and also on the pending nominations of some 13 district court judges, all of whom have been reported out favorably by the Judiciary Committee. Regrettably, the Senate does not focus as much attention on these judgeships as I think it should. The distinguished Presiding Officer has a judge on the docket from the State of Georgia. And with the enormous business pressures we have—on Iraq and on taxes and on appropriations—there is too little attention on judges. When a judge is not present on the Third Circuit, and currently there are four vacancies on that circuit, they have a judicial emergency situation. Their docket is clogged and people have to wait a long time to have their cases heard.

Similarly, if there is not a judge sitting in Georgia or in Ohio, where Senator DEWINE and Senator VOINOVICH want a nominee confirmed, people are prejudiced and disadvantaged. And from the Western District of Michigan, a Congressman was over yesterday, urging Senators to move ahead on the three pending nominations in that district. I ask that every step be taken at every level of the Senate to confirm these judges.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF KENT A. JORDAN TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT

The PRESIDING OFFICER. Under the previous order, the hour of 10:30 a.m. having arrived, the Senate will proceed to executive session for a vote on the motion to invoke cloture on the nomination of Kent Jordan, which the clerk will report.

The assistant legislative clerk read the nomination of Kent A. Jordan, of Delaware, to be United States Circuit Judge for the Third Circuit.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Kent A. Jordan, of Delaware, to be United States Circuit Judge for the Third Circuit.

Bill Frist, Robert Bennett, Arlen Specter, Tom Coburn, Kit Bond, George Allen, Lindsey Graham, Trent Lott, Mel Martinez, Gordon Smith, Sam Brownback, Rick Santorum, Richard Burr, Hillary Clinton, Johnny Isakson, Jim DeMint.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on Executive Calendar No. 924, the nomination of Kent A. Jordan, of Delaware, to be United States Circuit Judge for the Third Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from South Carolina (Mr. GRAHAM), the Senator from Utah (Mr. HATCH), the Senator from Arizona (Mr. MCCAIN), the Senator from Missouri (Mr. TALENT), and the Senator from Virginia (Mr. WARNER).

Further, if present and voting, the Senator from Utah (Mr. HATCH) and the Senator from Virginia (Mr. WARNER) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Connecticut (Mr. DODD) are necessarily absent.

The yeas and nays resulted—yeas 93, nays 0, as follows:

[Rollcall Vote No. 275 Ex.]

YEAS—93

Akaka	Dole	Martinez
Alexander	Domenici	McConnell
Allard	Dorgan	Menendez
Allen	Durbin	Mikulski
Baucus	Ensign	Murkowski
Bayh	Enzi	Murray
Bennett	Feingold	Nelson (FL)
Bingaman	Feinstein	Nelson (NE)
Bond	Frist	Obama
Boxer	Grassley	Pryor
Brownback	Gregg	Reed
Bunning	Hagel	Reid
Burns	Harkin	Roberts
Burr	Hutchison	Rockefeller
Byrd	Inhofe	Salazar
Cantwell	Inouye	Santorum
Carper	Isakson	Sarbanes
Chafee	Jeffords	Schumer
Chambliss	Johnson	Sessions
Clinton	Kennedy	Shelby
Coburn	Kerry	Smith
Cochran	Kohl	Snowe
Coleman	Kyl	Specter
Collins	Landrieu	Stabenow
Conrad	Lautenberg	Stevens
Cornyn	Leahy	Sununu
Craig	Levin	Thomas
Crapo	Lieberman	Thune
Dayton	Lincoln	Vitter
DeMint	Lott	Voinovich
DeWine	Lugar	Wyden

NOT VOTING—7

Biden	Hatch	Warner
Dodd	McCain	
Graham	Talent	

The PRESIDING OFFICER. On this vote, the yeas are 93, nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

There are 2 hours of debate equally divided.

The Senator from Vermont.

Mr. GREGG. Mr. President, parliamentary inquiry: Will the Senator yield for a question?

Mr. LEAHY. Without losing my right to the floor, yes.

Mr. GREGG. I was wondering if the Senator will allow us to set up a sequence of speakers after the Senator speaks.

Mr. LEAHY. I will do anything to accommodate my neighbor from New Hampshire, as he knows.

Mr. GREGG. I ask unanimous consent that at the conclusion of the statement of the Senator from Vermont, the Senator from North Dakota be recognized for 5 minutes and then that I be recognized for 15 minutes. Does the Senator from Ohio seek recognition, also?

Mr. DEWINE. I do, but not on this topic.

Mr. GREGG. It doesn't matter. Then the Senator from Ohio be recognized after I complete my remarks.

Mr. LEAHY. Mr. President, if the Senator would amend that to add the Senator from Delaware. The judge is from Delaware. I ask that Senator CARPER be recognized for up to 10 minutes following that.

Mr. GREGG. At the conclusion of the remarks of the Senator from Ohio.

Mr. LEAHY. Yes.

The PRESIDING OFFICER. Following the Senator from Vermont, the Senator from North Dakota be recognized for 5 minutes, then the Senator from New Hampshire for 15 minutes, then the Senator from Ohio for 15 minutes, and the Senator from Delaware for 10 minutes. Is there objection?

Mr. LEAHY. I have no objection.

Mr. GREGG. I thank the Senator from Vermont for his courtesy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I am pleased the Senate finally has an opportunity to consider the nomination of Kent Jordan of Delaware for a lifetime appointment to the U.S. Court of Appeals for the Third Circuit. Judge Jordan is a well-qualified nominee with the support of both home State Democratic Senators, as well as that of the chairman of the Judiciary Committee, whose State is within the Third Circuit. I support this nomination, and I will vote to confirm him.

I regret that the Republican leadership chose to eschew bipartisan discussion of nominations and unilaterally filed an unnecessary cloture vote on Judge Jordan's nomination, especially after we worked so hard to expedite it in September. We could very easily have voted on this in September instead of having this folderol of urgency now. Most of us wanted to vote on this weeks ago, and I am not sure what political last gasp is involved in saying we have to have cloture. That was never necessary.

I wish, instead, the leadership had followed the customary practice in the Senate of the Republican and Democratic leaders to have sat down with the chairman and ranking member of the Judiciary Committee and worked out a process to conclude the consideration of judicial nominations for this session. Had they done so, we could have capitalized on the hard work done by the chairman and the Judiciary Democrats to report consensus nominations. Instead—and I mention this to those from States such as Georgia and elsewhere—this is the only judicial nomination the Republican leadership has scheduled for consideration in months.

I mention this for my colleagues who might be from States that have some of these judicial nominees—apparently those from those States do not particularly care. I mention it in case anybody is reading the RECORD later on. I was going to suggest a way to get some of them, but there does not seem to be an interest in it, so I will not.

What they have left unexplained is why they refuse to go forward with the President's nomination of Judge Janet Neff from Michigan. The Federal court serving the Western District of Michigan has three Federal trial court vacancies that are judicial emergency vacancies three in one district. The Senators from Michigan have worked with the White House on the President's nomination of three nominees to fill these emergency vacancies. The Judiciary Committee has proceeded unanimously on all three.

Working with Chairman SPECTER, the Democratic members of the committee cooperated to expedite their consideration.

On September 16 we held a confirmation hearing for those three nominees on an expedited basis. Regrettably, the President waited until July to make these nominations. Had he acted sooner, as some of us suggested earlier this year, we would not be in this situation. From the beginning I have urged the President to work with us on consensus nominations, and I have worked hard to proceed. I continue to do so even at this late date in the session, in spite of the pocket filibusters employed by Republicans to stall and block more than 60 of President Clinton's qualified judicial nominees.

Democrats cooperated to expedite consideration of a number of matters and reported the three judicial nominees to fill the emergency vacancies in the Western District of Michigan on September 29. Regrettably the White House, Republican leadership, and objections by Republican Senators continued to undermine this process. Instead of focusing on consensus nominees, the President sent back to the Senate in September and, again, following the November election, highly controversial nominees who had been returned to the White House in the hope that the President would work with us on a bipartisan basis.

We have been accommodating, and we will continue to be. I urge all Democrats to vote for confirmation of Judge Jordan, as I will. But neither the Judiciary Committee nor the Senate should be a rubberstamp for this President or any President. We should be taking our constitutional responsibility to advise and consent seriously. These are the only lifetime appointments in the Federal Government, and they will have an enormous impact on the lives, the rights, and future of Americans.

We were accommodating when Judge Jordan was pending before the Judiciary Committee. I knew this nomination was from Chairman SPECTER's circuit, and I cooperated with his request for a special executive business meeting. We came to the meeting and made sure we had a quorum, even though the meeting was out of the normal course.

The chairman said that the meeting would be held to expedite consideration of noncontroversial nominees. I agreed to let the majority meet to hold over the nomination of Judge Jordan in order to expedite its consideration at our next meeting. In order to be more accommodating, I went further and continued to meet so that nominees of interest to Senator GRASSLEY and Senator DEWINE could be moved forward in the process as well.

The Democratic Senators on the Judiciary Committee and our staffs worked especially hard as time ran down in this Congress to be accommodating on judicial nominations. The chairman held four nomination hearings in September. Three of these hearings were for four nominees, an extraordinary number in one hearing, and the fourth was an unprecedented hearing for two nominees who had received ''not qualified'' ratings from the American Bar Association. This was a faster pace than is traditional for the committee so late in the session, particularly in an election year. It was a much faster pace than is ideal for careful consideration of lifetime appointments to the Nation's courts. But we nonetheless cleared nominees at this pace to be accommodating and to keep the nominations moving forward.

Sadly, rather than meet to work out a process to conclude the consideration of judicial nominations for this session, the Republican leadership has apparently made the unilateral decision to stall certain of these nominations, including those for the judicial emergencies in the Western District of Michigan, and particularly the President's nomination of Judge Janet Neff.

This fall, an editorial in the Richmond Times-Dispatch entitled ''No Vacancies,'' highlighted the administration's counterproductive approach to judicial nominations. The editorial criticized the administration before the November elections and before the President renominated those controversial choices, for failing to turn vacancies into judges and instead pursuing political fights. According to the Richmond Times-Dispatch:

> The president erred by renominating . . . [Haynes] and may be squandering his opportunity to fill numerous other vacancies with judges of right reason.

The Richmond Times-Dispatch focused on the renomination of William James Haynes II to the Fourth Circuit. Of course Mr. Haynes has yet to fulfill the pledge he made to me under oath

at his hearing to supply the materials he discussed in his opening statement regarding his role in developing the legal justifications and policies having to do with torture, detention and other matters.

The Richmond Times-Dispatch editorial could just as easily have been written about Judge Terrence Boyle, whom the President also renominated again to a seat on the Fourth Circuit. He did so despite the fact that as a sitting U.S. district judge and while a circuit court nominee, the President's nominee, Judge Boyle, ruled on multiple cases involving corporations in which he held investments. The President should have heeded the call of the North Carolina Police Benevolent Association or the North Carolina Troopers Association or the Police Benevolent Associations themselves from South Carolina and Virginia or the National Association of Police Organizations or the Professional Firefighters and Paramedics of North Carolina, as well as the advice of our former colleague, Senator John Edwards, to withdraw this ill-advised nomination and not renominate him. Law enforcement officers from North Carolina and across the country oppose the nomination. Civil rights groups oppose the nomination. Those knowledgeable and respectful of judicial ethics oppose this nomination. This nomination has been pending on the floor calendar in a Republican-controlled Senate for more than a year after being forced out of the committee on a solid party-line vote. The Senate actually did the President a favor by returning this nomination to the White House before the summer recess and again before the election. Republican Senators tell me they don't want to vote on this nomination, but the White House keeps sending it back up.

The President also squandered an opportunity to fill Idaho's vacancy in the Ninth Circuit by renominating William Gerry Myers III for that seat again in September and again after the November elections. This is another administration insider and lobbyist whose record has raised very serious questions about his ability to be a fair and impartial judge. I opposed this nomination when it was before the Judiciary Committee in March 2005. Actually, this was a nomination which the so-called Gang of 14 expressly listed as someone for whom they made no commitment to vote for cloture, and with good reason.

Mr. Myers' record as Solicitor General for the Department of the Interior suggests that he was part of a culture of corruption documented in the testimony of the Interior Department's inspector general, Earl Devaney, at a hearing of the House Government Reform Subcommittee on Energy. Listen to what the Inspector General in the Bush administration says about this Bush nominee. Mr. Devaney testified about a ''culture of managerial irresponsibility and lack of accountability'' at the upper levels of the Interior Department in which, ''[s]imply stated, short of a crime, anything goes at the highest levels of the Department of the Interior.'' He also testified, ''I have observed one instance after another when the good work of my office has been disregarded by the Department. Ethics failures on the part of senior Department officials—taking the form of the appearances of impropriety, favoritism and bias—have been routinely dismissed with a promise 'not to do it again.'" Apparently, reading this record, it was done again and again.

While Mr. Myers' anti-environmental record is reason enough to oppose his confirmation, his connection to the ''culture of managerial irresponsibility and lack of accountability'' raises further concerns. But these are the kinds of judges who keep getting sent back to the White House when even a Republican-controlled Senate won't bring them up for a vote. You would think somebody at the White House would be listening when they say: We are trying to send you a signal. Don't keep sending them back.

In particular, questions remain about his role in authorizing a lawyer who worked for him, Bob Comer, to arrange a sweetheart settlement agreement for a politically well-connected rancher, Frank Robbins. Mr. Comer was found, in an investigation by the Department of the Interior's inspector general, to have been responsible for arranging the deal. Documents have come to light recently showing that Mr. Myers had been given materials about the deal, which certainly undermine his assertions made under oath that he was merely misled by Mr. Comer. If anyone sought to proceed to this nomination, then we would want to know a lot more about these new documents, and we would need to explore any connections to the lobbying scandals associated with the Interior Department and Republican lobbyist Jack Abramoff. Recent reports in the Denver Post raise additional questions about the thoroughness of what Mr. Myers told us since the report that Mr. Myers and Mr. Abramoff attended at least one party together has gone unrefuted and unexplained.

So it is particularly troubling to see Mr. Myers be nominated because the President squandered yet another opportunity to fill a vacancy. I had suggested he renominate Norman Randy Smith, a Republican nominee, for the vacancy created by the retirement of Judge Thomas Nelson from Idaho. Instead, the President has again nominated Judge Smith, but not to this seat. He has nominated him to a California seat of the Ninth Circuit, effectively stealing California's seat. That is wrong. I support the California Senators in their opposition to this. I had urged President Bush to resolve this impasse and turn Idaho's vacancy into a judge by withdrawing the controversial and tainted Myers nomination—tainted Myers nomination—and instead nominate Judge Smith for the Idaho vacancy to which he could be easily confirmed. Alternatively, he could have renominated them both but merely switched the vacancies for which they were nominated, thereby allowing the Smith nomination an opportunity to proceed.

In addition, the President has renominated, again, Michael Wallace to the vacant seat on the Fifth Circuit even though he received the first ABA rating of unanimously ''not qualified'' that I have seen for a circuit court nominee in a quarter of a century, from Republican and Democratic administrations. That in itself should have been enough of an embarrassment not to send the name back, especially when a Republican-controlled Senate did not bring it forth. Committee proceedings on this nomination detailed the significant concern raised by numerous jurists around the country regarding Mr. Wallace's judicial temperament, his lack of commitment to equal justice to the poor and minorities, his lack of tolerance, and his closemindedness. It detailed concerns from judges and lawyers that Mr. Wallace may not follow the law and is driven by his ''personal agenda.''

Of course, the troubling issues raised in the ABA's testimony echo significant concerns about Mr. Wallace's record on civil rights, his opposition to the Voting Rights Act, his support for tax exemptions for Bob Jones University, his opposition to prison safety regulations, and his attempt, as President Reagan's director of the board of the Legal Services Corporation, to undermine efforts to provide legal services to low-income clients. Don't they understand that even a rubberstamp Republican Senate which has gone along with just about everything this Bush administration has done had something in mind when they sent this nomination back to the White House? Instead, the White House sent it back.

Months ago—months—ago before the last recess, I was urging Senate action on nominees such as the Michigan District Court nominees and Judge Jordan, whom we have before us now. What little progress we might have made has been undone by some on the Republican side. I have been here 32 years. I have never seen anything with either Republican leadership or Democratic leadership with a judge like this who could have been easily passed—Democrats and Republicans supported him—months ago, and here we are stalled because nobody can figure out what to do the last few days of a session. Suddenly, it is like, My God, we have to have a cloture vote on him. We could have had 30 hours of debate afterwards, which I said let's not do, and we have a unanimous consent agreement that we would not. But to have gotten to a cloture vote on somebody who would have passed on a bed check vote months ago—well, if this is theater, it is theater of the absurd. If this is theater, it would close after opening night on Broadway or anywhere else.

This goes beyond a farce. And it is particularly ironic that after months of Republicans repeating a new mantra that every one of the President's nominees, whether qualified or not, whether engaged in conflicts of interest or not, whether found by their own peers to be not qualified or not, whether they are supported by home State senators or not, is entitled to a swift up-or-down vote, after we heard this over and over—guess what—it was Republican objections that stalled more than a dozen judicial nominees.

After the last working session in October, I learned that several Republicans were objecting to Senate votes on some of President Bush's own judicial nominees. This is theater of the absurd. You had Republicans on the campaign trail saying: Oh, my, God, those Democrats are holding up President Bush's poor nominees for these highly paid lifetime appointments. They are holding them up. And guess what happened. All these nominees of President Bush, we said: Fine, let's just pass them. We were told: Oh, can't do it. Can't do it because we have Republicans who put holds on them. Talk about having it both ways. Republicans hold up the judges so they can go on the campaign trail and say: Oh these terrible Democrats. They are holding up our judges. Oh, my heart cries for them.

In fact, according to press accounts, Senator BROWNBACK had placed a hold on Judge Neff's nomination even though he raised no objection to the nomination when she was unanimously reported out of the Judiciary Committee. Later, without going through the committee, Senator BROWNBACK sent questions to Judge Neff about her attendance at a commitment ceremony held by some family friends several years ago in Massachusetts. Senator BROWNBACK spoke of these matters and his concerns on one of the Sunday morning talk shows.

So where is the consultation about this with the leaders of the committee? Where is the cooperation? Where is the working together? Where is the attempt to be uniters and not dividers? Where is the wonderful statement by the President, after he got shellacked in the last election, saying: We are going to work together. Where is the explanation why the Republican leadership has chosen not to proceed with the Neff nomination to a judicial emergency vacancy? Can it really be that her attendance at a commitment ceremony of a family friend failed some Republican litmus test of ideological purity, that her lifetime of achievement and qualifications are to be ignored and that her nomination is to be pocket-filibustered by Republicans like the 60 they pocket-filibustered of President Clinton's? Oh, goodness gracious.

The Republican approach to nominations, of using nominations to score political points rather than filling vacancies and administering justice, has led to a dire situation in the Western District of Michigan. Judge Robert Holmes Bell, Chief Judge of the Western District, wrote to me and to others about the situation in that district where several judges on senior status—one is over 90 years old—continue to carry heavy caseloads to ensure justice is administered in that district. In fact, Judge Bell is the only active judge. If it had not been for Republicans blocking President Bush's nominations, those vacancies would be filled.

Of course, this is not the first time Republicans objected to an up-or-down vote on judicial nominees. They objected and stopped up-or-down votes on more than 60 of President Clinton's judicial nominees. Last year, the President's nomination of Harriet Miers to a vacancy on the Supreme Court was stalled and withdrawn, not because a single Democrat in this body objected but because Republicans objected. Republicans questioned her qualifications, demanded answers about her work in the White House and her legal philosophy and, although Democrats said go ahead and give her a hearing, they then defeated her nomination without allowing a hearing.

With regard to judicial nominations, I do want to acknowledge the kind words of the majority leader, who noted before the October recess that we made ''tremendous progress'' in confirming qualified judicial nominees. By Senator FRIST's count, the Senate ''has confirmed 88 percent of President Bush's judicial nominees, giving him the highest confirmation rate since President Reagan.'' He calculates that ''95 percent of all judgeships are filled, including more than 92 percent of all circuit court judgeships and more than 95 percent of all district court judgeships.'' He notes that the Senate has confirmed ''[n]early 160 nominees'' for judgeships under the 46 months of his leadership—160 in just 46 months. He leaves out the fact that 100 of the President's judicial nominees were confirmed during 17 months when the Democrats were in charge. Senator Daschle was leader, I was chairman of the committee, and ironically—I guess it is something that got overlooked because it doesn't fit in the campaign slogans—President Bush's judges moved much faster under Democratic leadership than they have under Republican leadership.

Likewise, Chairman SPECTER acknowledged before the recess that Democrats on the Judiciary Committee in the Senate have been extremely accommodating. I hope he doesn't get in trouble for that because his statements sharply diverged from the vitriolic attack the Republican National Committee made on me, personally. It went way beyond campaign rhetoric to flatout lies.

This year we have confirmed 31 judicial nominees so far. That far surpasses the total number of judges confirmed in the 1996 Congressional session, when Republicans controlled the Senate and pocket filibustered President Clinton's nominees. In that session, Republicans would not confirm a single appellate court judge—not one—and moved forward on only 17 district court judges all session. That was the only session of the Senate I can remember, in my 32 years, in which the Senate simply refused to consider appellate court nominations. That was part of their pocket filibuster strategy to stall and maintain vacancies so that a Republican President could pack the courts and tilt them decidedly to the right. In confirming eight circuit court judges so far this year, we have already confirmed more circuit judges than in 1996, 1997, 1999, and 2000.

We could have accomplished a lot more this year if the White House had sent over consensus nominations earlier in the year. Regrettably the administration concentrated on a few highly controversial nominees and delayed until recently sending other nominations and thereby prevented us from having the time to do any meaningful review. As I said before, we could have done the Jordan nomination before us now back in September instead of having this high drama.

If I were at all cynical—and we Vermonters are not, by nature—I would almost think this vote had been set up to distract the people from the fact that the Senate and House leadership have failed to figure out a way to get us out of this morass, after they failed to follow the law and pass a budget this year. They broke the law, didn't follow it, to pass a budget this year, even though they control both bodies of the Congress. Then they failed to pass our appropriations bills by the end of September, even though they are required to do so. Could it be that this nomination, this high drama of something that is going to pass unanimously, was brought up so maybe the press would be fooled into thinking that this was so important it might distract them from the fiasco from the fiscal train wreck they have got us into?

Even though this Republican controlled Congress has sent back a few of the most controversial nominations, the administration keeps sending them back. By contrast, there are six judicial emergencies still that have no nominee at all. Nor has President Bush fulfilled his solemn pledge to make a nomination for every vacancy within 180 days. Of the vacancies currently without a nominee, seven have been vacant for more than 180 days. An additional 14 of the pending nominees were nominated only after their vacancies had occurred for more than 180 days.

I want to note, again, so nobody will think that we even had to be taking the time here now: I support the confirmation of Judge Jordan. I helped expedite his consideration by the committee so we could vote on him nearly 3 months ago, in September. But we didn't in September. Of course, we didn't in October. We didn't in November. Here we are in December. But even

with his confirmation, only 32 judicial nominees will have been confirmed in the last 12 months. Contrast that to the 17 months when Democrats were in charge of this body and I was chairman when we confirmed 100 judges. In the last two years of Republican control, with a Republican President and Republican Senate, we confirmed half of that, just 53 nominees. Think how much higher it could have been with some cooperation.

We have been accommodating, and we will continue to be, as we vote for confirmation of Judge Jordan today. But neither the Judiciary Committee nor the Senate should be a rubberstamp for the President. In case anybody is wondering, the Senate Judiciary Committee will not be a rubberstamp for this President or any President. Our success in this process depends on the White House sending consensus nominees, as opposed to the highly controversial nominees it sent the Senate repeatedly. I was encouraged by President Bush's pledge after the election to work with Congress in a bipartisan and cooperative way. But I was disappointed barely a week later when he broke that pledge and renominated a slate of his most controversial nominees who had failed to win confirmation, even under a Republican-controlled Senate. If they could not win confirmation when the Republicans were in control, my guess—I can't speak for other Senators—but my guess, with a Democratic chairman and Democratic-controlled Senate, they probably will not win confirmation there either. If they weren't good enough for the Republicans, they probably won't be good enough for the Democrats.

I am hopeful we can find a better approach in the 110th Congress. It starts with the President. If the President would consult with us and work with us to send consensus picks instead of failed controversial nominations for important lifetime appointments, we can make good progress filling vacancies.

We owe it to the American people. The American people do not want nominations to be about partisan politics but about Government responsibility to provide justice. The American people expect the Federal courts to be fair forums, where justice is dispensed without favor to anybody based on their political philosophy.

These are the only lifetime appointments in our entire Government. They matter a great deal to our future. Most of them will serve long after most of us in the Senate have left office; certainly after the President who nominates them has left office. I said over and over again, the Federal judiciary should not be an arm of the Democratic Party nor the Republican Party. Otherwise we lose all faith in the independence of the judiciary. Just as I have opposed those who call for the impeachment of judges when they disagree with a particular opinion or give speeches seemingly condoning violence against judges and their families, I, also, do not want to see a Federal judiciary politicized. I will continue, in the 110th Congress, to work with Senators from both sides of the aisle to ensure that the Federal judiciary remains independent and able to provide justice to all Americans.

I congratulate Judge Jordan and his family because I know he will be confirmed today.

I reserve the remainder of my time and I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

HONORING SENATORIAL SERVICE

PAUL SARBANES

Mr. CONRAD. Mr. President, I rise today to pay tribute to one of the Senate's finest Members, Senator PAUL SARBANES, who is retiring after 30 years of service in this Chamber. Senator SARBANES has served this Senate, his State, and our country with dignity, wit, and uncommon wisdom. He is simply one of the smartest, most principled people I have ever known. He is, quite simply, a class act.

PAUL SARBANES has focused his energies on governance and effective legislating. This thoughtful approach has served him well, served his State well, and served this Chamber well. PAUL SARBANES never lost an election, and he is the longest serving Senator in the history of the State of Maryland.

In the Senate, PAUL SARBANES served with great distinction as chairman and ranking member of the Banking and Joint Economic Committees and has long provided wise counsel on the Foreign Relations Committee.

At the Banking Committee, he has been relentless in protecting consumers from unscrupulous financial acts. When the country was hit by scandals in the Enron and WorldCom cases, PAUL SARBANES acted to protect against further abuse and the Sarbanes-Oxley Act is the result. That is an act that has stopped further abuse.

PAUL SARBANES also fought for affordable housing, for adequate public transportation, for transparency at the Federal Reserve. In debating former Fed Chairmen and the current one, he has never let central bankers forget that they must pursue a dual mandate, with jobs for Americans on an equal footing with fighting inflation.

It has been my honor and my privilege to serve with Senator SARBANES on the Budget Committee. Few can match his understanding of economics and the interaction between the budget and the economy. His insightful and tenacious questioning, his even temper, and his humor have made being his colleague on the Budget Committee both rewarding and a pleasure.

My favorite story about PAUL SARBANES is from his youth. PAUL SARBANES was an outstanding athlete. He was a great baseball player and a great basketball player. In fact, he was so good in baseball that he was chosen as a Maryland All Star. He was chosen to play shortstop on that team. When he showed up for the first practice, the manager directed him to second base. PAUL SARBARNES was a little surprised by that because he had been chosen to play shortstop. But he went out and played second base. He thought there might be some mistake. The next day, he came to the next practice and was again directed by the manager to play second base. At this point, Senator SARBANES thought he should go to the manager and inquire why—since he had been chosen to play shortstop—he was playing second base. The manager looked him in the eye and said, ''Sarbanes, Kaline will be playing shortstop.'' Of course, the Kaline was Al Kaline, who became a Hall of Fame baseball player.

That is some measure of the extraordinary athletic talent that PAUL SARBARNES had. It was not his athletic talent that so distinguished him in this body; it was his remarkable academic talent, his remarkable ability to deal with others.

I think in my time in the Senate I have never dealt with a person of greater wisdom than PAUL SARBARNES.

I wish Senator SARBANES the very best in his retirement and whatever endeavors he will pursue. His wife, too, has become a special favorite to our family—so bright, so talented, and such a good partner with PAUL SARBARNES. I know they are deeply proud that their son has been elected to the Congress of the United States to represent a district in Maryland.

PAUL SARBARNES has been a great colleague and a very dear friend to me. I will miss him and his service on the Budget Committee and in the Senate.

I thank the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 15 minutes.

Mr. GREGG. I thank the Chair.

EXTENDERS

Mr. GREGG. Mr. President, I rise to discuss what is the last pending major piece of business relative to this Congress and is headed toward the Senate from the House, something called the extenders bill.

To put this in the proper context, there are a number of tax initiatives which are going to lapse this year and need to be extended—things such as the R&D tax credit, such as the deduction which teachers can take when they buy materials for their classrooms. Teachers—especially elementary teachers—seem to do a lot of that. They deserve that recognition; also, things such as tuition tax credit. These are all extenders which should occur. Were they to occur in the proper order, they might cost as much as $12 billion. However, the bill that is headed toward us doesn't cost $12 billion; it is going to cost $39.5 billion. At least that is what we think it is going to cost. We haven't had it finally scored. But that is what we believe is a reasonable number to put on that.

That will be added to the deficit. It will be at least $17 billion over what is

known as pay-go, which is a mechanism that disciplines tax cuts. It doesn't discipline spending, regrettably. I hope we can restructure it, and then I might be a supporter of it. But it is $17 billion over what is known as the pay-go baseline. This represents $39 billion of funding which will be added to the debt. That is incredible as the last act of Congress. It will actually be, arguably—depending on how you define the Part D premium exercise, which added trillions of dollars in the outyear debt—either the largest or the second largest budget buster passed by this Congress, $39 billion. It has in it a large amount of items which have nothing to do with extending taxes and has a lot to do with personal interests of various special interest groups around this country who have the capacity to get things put in bills.

Probably the most significant one is conversion of a program called the Abandoned Mine Land Program which basically will create a new $4 billion cost to the American taxpayer to pay for health insurance of mine workers and former mine workers which should have been paid for by the coal companies. In other words, it is a direct transfer of payment from the corporate coal companies' obligations to support the health care of these miners to the American taxpayer. And it is a directed program, a mandatory program, not a discretionary program. So it basically cannot be reviewed or adjusted in the outyears.

It is probably one of the most egregious things we will do in this Congress in the area of abandoning fiscal discipline and raiding the taxpayers' pocketbooks for the benefit of a small group of people and corporations.

It, also, includes something called the doctors' fix. It is appropriate that we correct the amount of money that doctors are reimbursed for under the Medicare Act. There is a 5-percent doctor reimbursement. It is not fair to doctors to be asked to bear the burden of the expansion of Medicare costs, and it should be corrected.

But the understanding always was—at least I thought it was—I guess I am naive—that it was going to be paid for with real dollars. That wasn't exactly what was said here. There are some real dollars being used, but there are real dollars that do not have anything to do with the issue. They are taking something called the stabilization fund and applying it to doctors. That pays for some of it. That arguably is real dollars which should be used in this event, but as a matter of policy, you can't fight it from a budget standpoint. It is real dollars and bad policy.

But there is another group of dollars being used that does not even exist and is being claimed as part of the payment. They are going to correct a hole in next year's doctors' fix which will double next year's fix; take that money that doesn't exist and claim they are taking that money to pay off the doctors' fix this year. It is an accounting gimmick of extraordinary brazenness, which if you did it in the corporate world, you would go to jail. There wouldn't be any question about it. There would be a clear-cut jail sentence tied to this one if this were a corporate gimmick used by a corporation and put on the shareholders or the investors in your company as something that was appropriate. It is an outrage of the first order on the American taxpayer and our children, because who pays for this? Our children pay for it. That is what happens.

The bill is laden with earmarks, where this group or that group or that one—the District of Columbia gets $150 million, the State of Tennessee gets $35 million, and the State of Nevada gets $4 million. I don't know how this one got in here: The Music Writers of America are going to get $3 million. The music writers will get $3 million from the taxpayers and put on the debt. By our standards around here, it wouldn't even make an asterisk. But it is what this represents that is so outrageous.

The rum excise revenue sharing with Puerto Rico, $184 million; special depreciation for ethanol plants.

I don't think there has ever been a financial bill which has come through this body that didn't have something for ethanol. Ethanol is a great idea. I am for it now. I used to be suspect about it. But it is such a vertical, integrated subsidy. Why do we have to keep throwing subsidy after subsidy into it? In fact, not happy enough with that little exercise, they also had to extend the tariff on ethanol that comes into the country from international producers so that the Northeast, which can't get the ethanol from the Midwest because it can't be shipped through the pipelines because ethanol can't be shipped through the pipelines because it bonds with water and the pipelines will not work—the Northeast, which can only get it shipped efficiently and cost effectively, say, from Brazil and have it shipped in by boat, has to pay a huge tariff on that—54 cents a gallon, which makes it economically unfeasible, even though it is an alternative fuel source that should be used throughout our country. And granted, we would like to have it produced in America, but I would rather be buying ethanol from Brazil than oil from some of our friends in the Middle East, such as Iran. Yet this makes it virtually impossible to do that. It is good policy, I say with great irony and sarcasm. Of course, it has nothing do with tax extenders.

Then there are serious policy implications. For example, it extends the sales tax deduction, which is a policy of essentially saying to high-tax States: You should increase your taxes on your people at the expense of the Federal Treasury. The sales tax deduction is nothing more than a revenue sharing for the Federal Government, where the Federal government says to a State: We will give you a deduction for increasing your taxes and the Federal taxes will then go up for everybody else to pay for that deduction. There are a lot of States that don't have a sales tax. There is no reason they should be penalized in this way. There is no reason people in New Hampshire should have to pay sales tax to subsidize a high sales tax in the States of New York or Texas or California. It doesn't make any sense, from a policy standpoint.

This is not distributed in a very equitable way. The only people who can take advantage of this are the itemizers. Itemizers, by definition, usually earn more than $60,000, at about the breaking point where you start to itemize your tax deductions. Basically, low-income people who pay a sales tax will see their sales taxes go up because States will want to raise them in order to claim their deduction, and low-income people will now have to pay more in sales tax and not be able to deduct it; whereas, high-income people in those States deduct it. It doesn't make any sense policywise or from a tax standpoint. It is just one important effort by one group of States that want to get this deduction put in place to take advantage of a bill coming through here.

The bill, as I said, is arguably the biggest budget buster ever brought forward by the Republican Congress. That is ironic in and of itself, isn't it? That is pretty ironic.

The way it is being brought forward is interesting. It is being brought forward in a manner which will make it extraordinarily difficult. This is being done by the Republican leadership for the Republican membership in a way that makes it extraordinarily difficult for anyone to attack the bill at any point and raise any of the issues which I just raised. In other words, if I wanted to address this deduction of $35 million for Tennessee or if I wanted to address the music writers item, I will not be able to do that. That option is not going to be allowed to me on a traditional vote nor on a motion to strike. I probably would lose those motions, but that is not going to be available to knock those earmarks out.

If I wanted to raise the policy arguments on the doctors' fix, the fact that you have this unbelievable accounting mechanism used to pay for it, I am not going to be able to do that as Budget chairman. That will be denied. The Republican leadership is denying Republican membership the capacity to address these serious fiscal issues in this bill, including the fact it is $39 billion added to the Federal debt. It is going to be brought over in a manner which I have never seen happen before, probably because it is the biggest budget buster in the history of our country passed by the Republican Congress. They do not want to have anybody highlighting it but are sending it over as a message from the House—not as a bill but as a message from the House, which dramatically limits the ability

to attack it or raise issues by it. ''Tax'' maybe is the wrong term. Then they are going to fill the tree so no amendments can be made. Then they are going to have the final vote with motions to concur with the House message. It is obvious they have the votes to do this. This bill has so much in it for so many different little folks and issues around here that they have racked up the vote count to the point where they can accomplish it. Well over 60 votes would be for this bill. The votes are there. They can do it. That is the way the majority works.

But we have to ask this question. The American people took the reins of government away from the Republican Party, the Republican Congress, in this last election. They did so in large part because they were tired of our hypocrisy as a party on the issue of fiscal responsibility. It would appear their concerns are justified. It is true that our colleagues on the other side of the aisle will probably be worse at fiscal management than we are. We have shown it to be in our nature to spend money. If you add up all the things they talk about in their campaigns, they will spend a lot, but at least they will not be hypocritical, going to the American people and saying: We are the party of fiscal responsibility.

We have to ask how we as a party got to this point where we have a leadership which is going to ram down the throats of our party the biggest budget buster in the history of the Congress under Republican leadership.

Anyway, the American people figured it out. I am sorry we haven't figured it out yet.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 15 minutes.

HONORING OUR ARMED FORCES

FIRST SERGEANT CHARLES M.KING

Mr. DEWINE. Mr. President, I rise today to pay tribute to a dedicated and decorated Ohio soldier, Army 1SG Charles Monroe King from Cleveland. 1SG King was killed in Iraq by a roadside bomb on October 14, 2006, during a convoy mission to send supplies to Baghdad. He was 48 years old at the time of his death.

1SG King's last mission captures the essential character and selflessness of this man. A 19-year veteran of the Army, Charles was the senior officer on a resupply mission near Baghdad. According to others, Charles did not have to accompany the convoy, but, true to form, Charles went to offer his experience to the younger soldiers on the mission.

His friend and fellow soldier, Captain Jon Schaeffer, said this about what happened:

> He did not have to go on that resupply mission, but Sergeant King loved his soldiers. He would not let them do anything that he would not do, so he was right there with them.

His heartbroken fiancée, Dana Canedy, added:

> He said he could not, in good faith, send his soldiers on a mission unless he did it himself. He made sure that each one of his soldiers took leave before he would take his leave.

That selflessness—that willingness to always put his men first—is a measure of Charles' leadership and courage. That Saturday in October, America lost a true hero.

A career soldier, Charles was scheduled to return home last month. He was a member of a unit from Fort Hood, TX, that was deployed to Iraq last November. As a veteran of the first Gulf War and one of the Army's very best soldiers, Charles was highly decorated. His numerous awards include the Bronze Star, the Meritorious Service Medal, the Army Commendation Medal, the Army Achievement Medal, and the Army Valorous Unit Award. This list of awards, impressive as it is, tells only part of the story of this remarkable man.

As his sister Gail said, ''My brother was very humble about his military experience and all the things he had accomplished.'' Charles was born and raised in the Cleveland neighborhood of Lee-Miles, where his parents Charlie and Gladys still live.

Friends and family remember Charles as a soft-spoken, helpful little boy, who could be counted on to do more than his share of the work.

His former church Pastor, Vern Miller, recalled the day he asked for volunteers to build a three-foot concrete block wall for a needy neighbor. Charles was only a child, but he already had that natural impulse to help and to serve. Pastor Miller said that ''Chuckie was the first to arrive. He was ready to work. Of course, he was too little to carry the heavy blocks, but he brought the workers water all day.'' In that giving little boy, we can see clearly the loving man he would become.

Charles was also a person with wide-ranging interests and passions. He was especially interested in art. When Charles was about 13, his mother enrolled him and his sister in an art class at a nearby community college. Gail said that, while she ''failed miserably,'' Charles fell in love with art.

Upon finishing high school, Charles attended the heralded Art Institute of Chicago. Upon graduation in 1983, he worked as a fashion ad illustrator in Alabama. Known as a hard worker with a meticulous eye for detail, Charles created illustrations for advertisements, as well as for news stories.

His artistic talent continued to play a significant role in Charles' life long after he traded in a civilian career in art for a life of military service. While serving in the military, Charles became fascinated with the history of the 761st Tank Battalion, an African American unit that served in World War II. Ultimately Charles was so inspired that he drew a collection of illustrations of the unit in battle. His collection was put on display at the Pentagon in 1998, as part of the Black History Month celebration. More of his work is now on exhibit at military museums at Fort Lewis, WA, and Fort Knox, TN.

Charles King could have lived comfortably as a professional artist, but his strong sense of duty led him to enlist in the Army. ''My brother was very much into service and serving others, and that was the driving force [for joining the military],'' Gail said.

Charles joined the Army in 1987 and married shortly after. He soon became a dad, when daughter Christina was born. She was the light of her father's life.

While in the military, Charles served honorably in Iraq from 1990 to 1991, as part of Operation Desert Storm. Later, he was able to continue his education, attending Cuyahoga Community College and receiving an associates degree from Chamberlain Junior College in Boston.

Charles was remembered by his fellow soldiers as the consummate professional. Captain Schaeffer remembers how the normally soft spoken and gentle man was also a very capable leader, able to guide his troops in times of chaos. He said that ''we all learned one thing: When Sergeant King yelled, you moved. He only yelled when there was good reason.''

Before his last deployment to Iraq, Charles became engaged to Dana Canedy, a Pulitzer-prize winning journalist who worked for the Cleveland Plain Dealer and now serves as an editor at the New York Times. While Charles was in Iraq this last year, Dana gave birth to their son, Jordan. Charles was ecstatic.

During a 2 week leave in September, he got to see his 6 month-old son for what would, tragically, be the first and the last time. He could hardly put his baby boy down.

Although it was terribly difficult to be separated from his family, Charles came up with a unique and heart-warming way to communicate to his infant son Jordan. Miles away, Charles began keeping a journal addressed to Jordan. The journal, which reached 200 pages, was a collection of everything from short stories from his childhood to excerpts of his time as an artist. Mostly though, the journal laid out detailed guidelines and fatherly advice about what Jordan would need to know growing up.

Dana said this about that journal:

> It was therapy for [Charles]. He wanted his son to know everything he could tell him. Everything from his favorite Bible verses, why he wanted to have a baby, why he wanted to be a soldier, and how to treat women.

Leafing through the pages, there are instructions for everything from how to deal with disappointment to letting his son know it was OK for boys to cry. As Dana said, ''Charles was this big, muscular guy, but he was like a big pussycat.'' Charles ended his journal to

his young son, saying, ''I will do my best to make you and your mother proud.''

Indeed, Charles King made everyone who had the privilege to know him very proud.

News of Charles' death was devastating to his family, friends, and community. Since his death, phone calls have poured in to his family's home. ''God is just continuing to work miracles in our lives,'' said Gail.

In a funeral service held in Cleveland at Lee Heights Community Church on October 23, friends eulogized Charles. They told stories about him that prompted a sea of smiles and nods from the friends and family packed into the tiny church, whose walls were covered with Charles' paintings.

Those in attendance remembered the boy who had grown up to be such an accomplished man. They remembered the brave soldier, the talented artist, and the loving son, brother, father, and friend. They remembered an American hero.

My wife Fran and I continue to keep all of Charles' family—his parents Gladys and Charlie, his sister Gail, his fiancée Dana, his son Jordan, and his daughter Christina—in our thoughts and in our prayers.

LANCE CORPORAL THOMAS KEELING

Mr. President, I rise today to pay tribute to Marine LCpl Thomas Keeling from Strongsville, OH. LCpl Keeling was killed on June 9, 2005, in an explosion in Iraq. He was assigned to the Marine Reserve's 3rd Battalion, 25th Regiment, 4th Marine Division based out of Akron, OH. He was 29 years old.

LCpl Keeling leaves his mother and step-father, Sharon and Robert Berry, his father Tom Keeling; his sister Erin Keeling, and his twin sister Kristen Keeling.

Thomas—Tom to his family and friends—graduated from Strongsville High School in 2000 and then attended Kent State University, graduating in 2004 with a Criminal Justice degree. Matthew Kichinka from Strongsville knew Tom as ''Tommy Boy.'' He reminisced about his high school friend:

> I still remember the first time we met in home room 10th grade year. You were my best friend in high school. I will never forget the great times we've shared, the mischief we caused in gym class, and the nights we closed at the kitchen at Giant Eagle. Thank you friend, for being there for me during those difficult times in high school and being the best friend a person could have.

Dave Murphy of Middleburg Heights, OH, moved to Strongsville not knowing a soul—that is until he met Tom. As Dave put it:

> I moved to Strongsville when I was young. I was concerned I wouldn't find any friends, I was blessed enough to move in across the street from the Keelings. Before the moving trucks even drove away, Tom was in my yard inviting me into his. This is a perfect example of the person Tom was. He was truly compassionate for others and a great friend.

Mary Jo Webster from Berea, OH, was Tom's 6th grade teacher. She remembers him as ''a lively, happy child.'' Friends knew him as always having fun and doing things he enjoyed. Whether he was playing hockey in Parma Heights, in his softball league, or shooting hoops with friends in his neighborhood, he was always active. Teammates took pride in their skillful forward. He had outstanding agility and tremendous speed. But his interests were not just in the sports that he was playing, he was interested in the people and the relationships it takes to build a team.

When Tom was at Kent State, he worked in housekeeping to earn extra money. Paula Hill described her custodial co-worker by saying that ''he was one of the nicest young gentlemen I've ever met. I called him my number three son because he was as close to me as my own children.''

When Tom graduated from college, he was considering a career in the FBI. His mother Sharon said that ''Tom's dream was to become an FBI agent, and he chose going to the Marine Corps because he thought he would get some experience that would help him along his career.''

Tom had been a Reservist for 4 years, and his stepfather and grandfather were both marines. He looked up to his grandfather, who was a World War II veteran and had been awarded two Purple Hearts. When Tom died, he was buried next to him.

Tom once told his stepfather that he was proud of the job that the U.S. troops were doing in Iraq and that he could see things improving. Tom had been in Iraq since February 2005, and was assigned to a mobile strike force seeking insurgents in the Anbar province near the Syrian border. ''Sometimes they go out seven days at a time. They'd patrol cities during the day and go out in the desert at night,'' his stepfather said.

But Tom's work in Iraq didn't stop on the field of battle. In weekly care packages, his family made sure to send him candy and Beanie Babies to hand out to Iraqi children. Tom's ability to connect with the children of the country he was trying to protect was a testament to the kind, gentle soul that Tom Keeling was.

Nate Ickes from Akron, OH, honored his brother-in-arms by saying:

> I was honored to have served with Tom. He brought joy and laughter to everyone in our unit. There was never a day that went by that he did not have a smile on his face.

Close friends, like Emily Laurie of Charleston, SC, understand the impact Tom had on the people he touched. She wrote words of comfort in a posting on an Internet tribute website. This is what she wrote:

> Remember Tom with a smile. Remember the good things, the good times, and the laughter. He is a hero, endowed with great courage and strength and has sacrificed his life for the freedom of others. He will be missed, but not forgotten.

Close family friend Mark Nutter from Brunswick, OH, also paid tribute to Tom's memory in an online website by saying the following:

> I just wanted to say thank you for letting me be a part of your family for a few years. I got the chance to know the man that later became the closest thing I have ever had to a little brother. Tom not only quickly became my friend. He became my family. He became my brother. Tom was one of the greatest people that I will ever know and have ever known in my whole life. I will miss him dearly.

Mark went on to write:

> I am posting this because I came through on a small promise I made to Tom when he passed away. Tom played softball with my friends and me for a few years. The friends Tommy made on the team, including me, made a promise to win our league championship for him.
>
> Well Tom, we did it, and we did it for you. I had your old jersey hanging proudly in our dugout all year for you and as long as we play, we always will. I had a picture of Tom and a simple quote below him before our championship games. It read, 'Win 2 for Tommy.' Tom, we won two for you that night and our first league title.
>
> I will miss Tom dearly and hope his family knows what he meant to me. Thanks for the good times. They will always be in my heart. Thank you, again, Tom. It was a pleasure to have known you.

Marine LCpl Thomas Keeling had a zest for life, a love of family and friends, and a deep understanding of what it means to serve. My wife Fran and I continue to keep his family and friends in our thoughts and prayers.

Mr. President, I ask unanimous consent to proceed for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

STAFF SERGEANT RICHARD PUMMILL

Mr. President, I rise to honor a courageous Ohioan from Cincinnati—Marine SSgt Richard Pummill, who was killed in Iraq by a roadside bomb on October 20, 2005, after serving there for 3 months as a weapons officer. He was 27 years of age at the time.

Staff Sergeant Pummill leaves his wife, Chantal; their son Donald Richard—known as Cliff—his mother Lynn, and his grandparents Donald and Ann.

Richard—known as Rick—graduated from Anderson High School in 1996, where he excelled in football and wrestling. Eileen Arnold, a counselor at Anderson High School, first met Rick when he was a freshman. ''He stood out in my mind because he was fun-loving, outgoing, and energetic,'' she recalled. ''I had the sense he wanted to do something special with his life. He was never afraid to speak his mind and was never hesitant. He didn't go along just to go along.''

Indeed, Rick did want to do something special with his life, and he joined the Marine Corps immediately after high school. Patsy Hager, mother of Rick's childhood friend Wally, said:

> The Marines gave him a purpose. He was always driven. He was always about something.

This passion and drive served Rick well in his Marine Corps weapons officer training. As Rick's friend Matt Fugate recalled:

Rick was a fun guy, but he was a Marine through and through. That was his calling.

John Morgan, Jr., and Rick played on the same soccer team when the boys were 4 years old, and the two have remained friends. Rick gave John his spare dog tag the day he joined the military, and John has carried it around on his keychain ever since. He described Rick as ''fearless.''

But, Rick was also a caring and compassionate individual. For portions of his childhood, he and his mother lived with his grandparents, Ann and Don Lesher. When Rick was stationed with the marines in North Carolina, he would buy wood, haul it home to Ohio, and chop it for his grandparents so they could use it to heat their home. ''He adored his grandparents,'' his mom said.

After completing his Marine Corps training, Rick served as a military recruiter. His charisma and enthusiasm for the job was apparent to all his colleagues. SSgt James Morgan was a fellow recruiter and left the following message for Rick's family on an Internet tribute Web site:

Rick and I worked together on recruiting duty in a two-man station—just him and me. Recruiting duty will test a Marine, but [Rick], my friend, always kept me laughing. We spent many days lost on backwoods Danville roads. [He] always went the extra mile—always volunteered to get the job done. I will never forget him. I am a Staff Sergeant today because of Rick's hard work.

When the war began in Iraq, however, Rick was eager to give up the safety of his recruiter's job for a combat position. After preparing so many young marines to make the journey to Iraq, he felt compelled to go over, himself, and serve beside them. He only had the chance to serve 3 months before he was killed by a roadside bomb during combat operations. Although his time in Iraq was short, he left a lasting impression on those with whom he served. Fellow marine and friend Josh Williams wrote the following after Rick's death:

It's not like when your parent dies of sickness or a friend dies in an accident. Losing a comrade in a war is very different. There's a bond there that doesn't have a name.

Rick was a selfless individual, who was always looking to ease others' hardships. A wife of a fellow marine who served under Rick wrote the following in tribute to him:

I met Staff Sergeant Pummill the day our men left for Iraq. He was so friendly and even gave me some advice about getting through the deployment. 'Just look at it in terms of paycheck to paycheck,' he said. 'That's what my wife will do.' My husband is very privileged to have worked under him.

In his civilian life, Rick enjoyed painting his own cars and thought about going to culinary school after he finished his service in the military. But, there was one passion in his life that far outweighed all the rest—and that was his family—his wife and son Cliff. Rick's mother Lynn recalled that ''he was a fantastic father. He was dedicated and adored his son. Cliff looks just like him.''

There is no doubt that all those who loved Rick will make sure Cliff knows what a courageous and remarkable man his father was.

Rick's wife Chantal describes her husband as ''the most dedicated Marine that I knew. He was a loving husband and a devoted father.''

Rick's mother Lynn added:

My son loved our country. He loved the Marine Corps. He lived to be a Marine.

This is how Rick will be remembered, Mr. President: as a loving father, devoted husband, loyal son, caring grandson, and brave marine. My wife Fran and I continue to keep his family in our thoughts and in our prayers.

MASTER SERGEANT DAVID A. SCOTT

Mr. President, I come to the floor to honor and remember a man who dedicated his life to the service of our Nation. On July 20, 2003, Air Force MSgt David A. Scott, from Union, OH, died while serving our country in Doha, Qatar. He was 51 years of age.

''Scotty''—as family and friends called him—spent his career in military service. He was serving as an Air Force Reservist in the U.S. Embassy in Qatar when he died of a brain aneurysm. He is survived by his wife of 25 years Deborah and daughter Christine.

Born in Toledo, Scotty graduated from Erie Mason High School in 1971 in Erie, MI. The following year, he served in the Vietnam war. Afterward, he returned to his hometown of Toledo, where he began work in an automotive factory.

When the automobile factory closed in the mid-1970s, Scotty decided to enlist in the Marines. He served as a marine for 17 years before joining the Air Force Reserves in 1993 and moving to Union.

Though he served our Nation well in the Air Force Reserves, Scotty always thought of himself as a marine first and foremost. ''The Marine Corps was his life,'' his wife Deborah said.

''He was in the Marines for 17 years and worked at testing new recruits. Even when he went into the Air Force Reserves, they called him their token Marine. He always said, 'Once a Marine, always a Marine.' ''

But, whether he was serving with the Marines or the Air Force, there was one thing that Scotty always was—a dedicated and selfless serviceman, who was proud to serve his country in any capacity asked of him. At the Embassy in Qatar, he served as the assistant chief of information systems for the 445th Communications Squadron, based out of Wright Patterson Air Force Base in Dayton, OH. His job there was to coordinate and assist in obtaining diplomatic clearances for Coalition aircraft and personnel, as well as to help plan equipment shipments for Operation Iraqi Freedom and Operation Enduring Freedom in Afghanistan.

While serving overseas, Scotty would call and e-mail his wife Deborah often and share with her how proud he was of the meaningful work he was doing. As Deborah recalls:

He said it was very important and that he'd met a lot of great people. He was so proud to be serving his country.

An avid sportsman, Scotty enjoyed watching football and would make bets with family members on NFL games. He also enjoyed hunting and fishing.

Scotty was an admirable marine and Reservist—a model for what every serviceman and woman strives to be. But, even more importantly, he was a loving and devoted husband and father. Scotty and Deborah celebrated their 25th anniversary in October 2002. ''We had such a nice time,'' Deborah remembers. ''We took a long weekend and went down to Tennessee to Pigeon Forge.''

Scotty's death has been felt deeply by all who knew him. In Deborah's words, he was simply a ''real nice guy. Everybody loved him.''

Scotty was so well respected by those he worked with in the military. One of his comrades, MSgt T. Kirkman, left his friend the following message on an Internet tribute website. This is what he wrote:

Scotty, you are missed, but never forgotten. I am proud to have worked with you at Wright Patterson Air Force Base. You were one of my best and brightest memories of the 445 AW! To Scotty's family—may the Lord continue to bless and keep you until you see him again.

It takes courage and self-sacrifice to serve one's country. Scotty dedicated his life to serving this country. And, he did so in not one, not two, but three branches of the military: the Army, the Marine Corps, and the Air Force. And so today, we honor MSgt David Scott in the U.S. Senate.

Mr. President, my wife Fran and I will keep his family and friends in our thoughts and in our prayers. We will keep his wife Deborah and his daughter Christine in our thoughts and in our prayers.

SERGEANT FIRST CLASS DANIEL J. PRATT

Mr. President, I rise today to pay tribute to Army National Guard SFC Daniel J. Pratt from Newark, OH, who died on November 3, 2005, when he suffered a heart attack, while serving in Iraq. He was assigned to the Army National Guard's 211th Maintenance Company, based out of Newark and had served with the Guard for about 16 years. He was 48 years old. He leaves his wife Linda, his daughter Lindsay, his son Daniel, and his three sisters and two brothers.

Originally from Camden, NJ, Daniel was raised in Williamstown, OH, with his five siblings. He was also a member of Youngstown's St. Christine Catholic Church. At Williamstown High School, he lettered in cross country and indoor and outdoor track.

His former track coach, James Greczek, recalled Daniel's high school days by saying that ''he always had a smile. He was a super, super kid.''

Daniel's dedication was seen in the type of relationships and friendships he had. Tim Leyden ran cross-country with Daniel at Williamstown, roomed

with him in college, and lives 15 minutes away from his home in Ohio. Just a couple years older than Daniel, Tim reminisced on his best friend by saying this: ''He introduced me to my wife. He was godfather to my son. He was . . . outgoing, a good salesman, and fun-loving.''

After high school, Daniel attended junior college in Alabama and then Southeastern Lousina College. Daniel became a foreman for a truck dealership in Austintown, OH. He met his future wife Linda at Lake Tahoe. Daniel and Linda were married for almost 20 years.

In 1989, Daniel joined the National Guard. Since his deployment to Iraq on December 30, 2004, Linda and Daniel emailed each other regularly and talked by phone on Sundays. It was not easy for Daniel to be apart from his family. But Daniel knew that he was proudly serving our Nation. His dedication to service and the safety of his homeland earned him the Meritorious Service Medal on August 31, 2005.

Tim and many of Daniel's family members last saw him in June 2005, when he returned home briefly for his son's high school graduation. Tim recalled, ''Everything was fine. He was looking forward to getting home, but the biggest concern was getting all his people home.'' Daniel was due to return home on December 9, 2005.

The day after Linda received the news of her husband's death, she received flowers from him for their 20th anniversary. ''I was just overwhelmed and touched. And I just felt his goodness come through again,'' she said. To Linda, her husband was not just a patriotic military man and a caring father. He was so much more.

Lorraine Boyer, one of Daniel's siblings, said she wasn't surprised when she heard he had sent anniversary gifts from Iraq. ''He had a heart of gold. He was an exceptional human being,'' she said. ''Everybody he came in contact with—he just touched their lives.''

Daniel had no previous health problems, but there was a history of heart disease in his family and his father died of heart problems when he was in his 40s.

Teri Gove, Daniel's cousin, said the following in tribute to him:

> I am so proud of you, Danny, and so sad for your family. I can still remember Thanksgiving at the camp in Delaware . . . your dad taking us all for a ride in his new big truck out through the woods at midnight to show my dad that his truck could go through anything—and then, the long, dark walk home when [the truck] did get stuck! You and my brother kept hiding and jumping out of the dark to scare us girls! That's the picture I see when I think of you. And now you are a hero!

Jason Chalky from Youngstown also paid tribute to Daniel. This is what he said:

> We will miss you, forever. I knew you for a couple of years, and you never led me in the wrong direction. You were a good leader, a good soldier, and a good friend. . . . Thanks for all you gave and that your family gave.

Rick McKinney of Rexburg, ID, served with Daniel in the 237th. He said that Daniel ''would stand up for his soldiers like no one that you've ever seen. It was six years that I knew him and served with him. I thank him and his family for all they've done to ensure our freedom.''

I would like to conclude my remarks with the words of SFC David Garlits, who said the following in a message to Daniel after his death:

> Dan, it was great to know you, buddy. You were one of my best friends in Iraq. Even though we were the same rank, I always looked up to you. You did so much for the Army with so little in return except for knowing you did your best. You will live on because of all that you shared with others.

SFC Daniel Pratt will never be forgotten. My wife Fran and I continue to keep his family in our thoughts and prayers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 10 minutes.

Mr. CARPER. I ask unanimous consent to be granted an additional 5 minutes from the Democratic side.

The PRESIDING OFFICER. Without objection, it is so ordered.

MIKE DEWINE

Mr. CARPER. Mr. President, before Senator DEWINE leaves the floor, he was speaking of a loss that he and his family and others are mourning, I presume in Ohio, where I spent a number of years as an undergraduate at Ohio State University. I would associate myself with his remarks in extending our sympathies from Delaware. We received some devastating news of our own in Delaware a day or two ago with the news that Army SGT Keith Fiscus had been killed in action in Iraq at the age of 26. Our hearts go out to him. I will be talking more about him later.

There is a loss that we mourn as well, not the loss of a life here in the Senate, but the loss of Senator DEWINE who will be returning to Ohio and to other challenges in the days ahead. Senator DEWINE and I were elected to the House of Representatives in 1982. We came here together with people such as JOHN MCCAIN, Tom Ridge, John Kasich, Harry Reid, Barbara Boxer, Dick Durbin, and JOHN SPRATT, a remarkable freshman class in the House of Representatives. It was the year we elected a lot of Democrats and not nearly as many Republicans. Somehow, then, Congressman DEWINE managed to swim against the tide and to be elected against those odds in Ohio.

He served as a Congressman of distinction, later as the State's Lieutenant Governor where he trained GEORGE VOINOVICH, who served as Governor, and then to be elected to the Senate. It was my privilege to serve with him in the House of Representatives and it has been a privilege to serve with him in the Senate.

On a personal level, I will miss him. I want to say how much it has been a privilege to serve with my friend from Ohio, who has a good mind and a good heart, wonderful family, and is deeply devoted to them and the people of Ohio, whom we both revere.

Mr. DEWINE. If the Senator will yield.

Mr. CARPER. I do.

Mr. DEWINE. I thank my colleague, who has pointed out to my colleagues in the Senate that he and I came here together in the election of 1982 and came to the House in 1983. We have been dear friends ever since. I will miss working with him. He is someone who I believe exemplifies what this institution is all about, and that is getting things done, working in a bipartisan way, making a difference. He has done that and will continue to do that.

I wish him well.

Mr. CARPER. I appreciate very much those words and the chance to be a friend of Senator MIKE DEWINE.

Mr. President, I wish to talk about a couple of things, if I may. In about 15 or 20 minutes, the Senate will vote on the confirmation of a judge. The President has seen fit to nominate District Court Judge Kent Jordan, who serves in Delaware, to succeed Judge Jane Roth who has served for more than a dozen years as a judge on the Third Circuit Court of Appeals. Judge Roth announced early this year that she was going to take senior status, and she has done that. I will talk a little bit about her, and then I will talk about Judge Kent Jordan.

Judge Roth, whom I have been privileged to know for almost as long as I have been in Delaware, whose husband served here in the Senate for some 30 years and was my predecessor, typifies everything a judge ought to be—smart, knows the law, adheres to the law, uncommonly fairminded, treats those who come before her, whether they are on either side of an argument, with respect, has a reputation for providing judicial temperament, a forum where justice can occur. She is somebody who works hard, somebody who has a wonderful sense of humor. Sometimes when people don those black robes, they turn in their sense of humor, but she has never lost hers.

Along the way, in addition to being a district court judge and then a circuit court judge on the Third Circuit Court of Appeals, she was a lawyer and partner in a major law firm in my State, Richards, Layton & Finger. She played a prominent role there for about 20 years.

Prior to that, she served in the foreign service for our country. I believe she served in places such as Iran, and we could probably use her expertise and counsel these days. She served in Rhodesia and in the Republic of the Congo. She married Bill Roth along the way, raised two children, and somehow managed to do it all with grace and aplomb. She continues to serve us as the senior judge of the Third Circuit Court of Appeals. We are lucky she does, and we are grateful to her for that service and to her family for sharing with all the people of the country,

not just of Delaware, a remarkable human being.

We are grateful for her service and think of her today as we consider the nomination of her successor Kent Jordan.

I have known Kent Jordan not for as long as Judge Roth, but I have known him. He served on the district court in Delaware for some time. Delaware is a little State. You know almost everybody, if you want to. I have had a chance to get to know him and his family. I think he has earned very high marks as our district court judge, much as Judge Roth did when she was our district court judge.

When I was privileged to be Governor of the State for some 8 years, I nominated a lot of people to serve on the bench. Among the qualities I looked for was people who knew the law, who had good judgment, who were able to make decisions. Sometimes people, frankly, find it hard to make a decision. As a judge, that is not a good thing. You want somebody who knows the law and somebody who has good judgment, who is able to make decisions and follows the golden rule in the way the people treat who come before them, who provides good judicial temperament and a forum, a courtroom, where justice will more likely than not be served.

Judge Jordan in his service on the district court has always shown that those are the qualities he is all about.

He, as Judge Roth, has been a parent, raised a family. I am not sure if I have the right number, but I think he and his wife have raised five or six, maybe seven children. So they have had a lot going on at home, with schools and all kinds of extracurricular activities.

He served before that in a number of other challenging situations. We had a little debate today and there was a cloture vote on whether we were going to vote on Judge Jordan's nomination. Nobody should somehow interpret that vote and the fact that we had to vote on cloture as any question about his integrity, competence, ability, and willingness to serve. He will be a great addition to the Third Circuit Court of Appeals.

We will vote in about 15 minutes on Kent Jordan's nomination. I hope my colleagues will join me—and I know I speak for Senator BIDEN in urging our support—unanimous support for this nomination. He has not disappointed us in anything he has ever done, and I am sure he will not disappoint any of us in this regard either. He has received, by the way, from the American Bar Association—every now and then we talk about the ratings they hand out with respect to nominees. His unanimous rating was ''well qualified,'' which is the highest possible grade. It was a unanimous rating. I think that speaks for itself.

In addition to having served as a district court judge for the last 4 years, he also clerked for a legend in our part of the country, District Court Judge James Latchum. Once he graduated from law school, he became an assistant U.S. attorney for the Delaware District. He has done great things with his life. He has a lot of integrity and great energy. I hope he will be rewarded for those things later today. We will be voting in a very short while.

INDEPENDENT REGULATOR FOR GOVERNMENT-SPONSORED ENTERPRISES

As we come down the home stretch on our year's business, there are some things we are going to complete today, or maybe tomorrow—hopefully, not Sunday—and there are some things we may not complete. I was looking in the local paper in our State, the News Journal, on Thursday when I was coming down on the train. I saw an article that was headlined ''Fannie Mae Restates Earnings, With $6.3 Billion in Profits Slashed.''

I think what the auditors and the Fannie Mae accountants have done is looked at earnings over a 4-year period of time, from 2001 through 2004, and they concluded that Fannie Mae—a huge enterprise, a large Government-sponsored enterprise, like Freddie Mac—overstated their profits by some $6.3 billion.

The reason I bring that up is that I am disappointed that we are going to finish business this year and not provide for a strong, independent regulator for Government-sponsored enterprises such as Fannie Mae and Freddie Mac, and the Federal Home Loan Banks. That has not been questioned—with respect to the way they operate, the accuracy of the financial reporting. Great questions have been raised over Fannie Mae and Freddie Mac, and as we have seen in yesterday's newspaper, there was a huge restatement of earnings.

I think it is unfortunate that we are not going to be able to conclude with a vote on legislation that some people have spent a lot of time working on in the last year or two. The House of Representatives has passed—not unanimously but by a wide margin—legislation that would provide for a strong, independent regulator for Fannie Mae and Freddie Mac. The Senate ended up breaking down along party lines in the Senate Banking Committee on similar kinds of legislation. We passed out a bill on party lines. It never came up on the floor. In the last month or two, there has been an encouraging discussion and negotiation between Congressmen BARNEY FRANK and MIKE OXLEY, his staff, and the folks at the Treasury Department, under the direction of Secretary Hank Paulson, to try to narrow the differences between the bill reported out by our committee with only Republican support and the bill that passed with bipartisan support in the House. We have not been able to resolve all of our differences, but progress has been made in the last month. I want to say to both Congressman FRANK and Congressman OXLEY—who is leaving, as well, at the end of this year, so he will not have a chance to push this ball into the end zone next year but certainly Congressman FRANK will be in a position to do that. He will chair the relevant committee in the House. I think great work has been done and good progress has been made.

It is unfortunate that we are not going to complete the job this week. I think we teed the ball up for next month. I hope one of the first things we will do in the Senate Banking Committee is hold hearings and look at the negotiations that have taken place between the House and the Treasury Department and see if we cannot build on those and pass legislation—find common cause with the House of Representatives and the administration and pass the legislation.

Until we do that, there are a couple things that are going to be occurring. One, we are going to have uncertainty for the enterprises, Fannie Mae and Freddie Mac, and those who are thinking about selling their stock. There will be an impact on the housing market as well. We don't need that. The regulator for these entities will not have bank-regulator-like powers. This regulator needs that. These entities need a regulator that has bank-regulator-like powers. The regulator will not be independent, and we need legislation which would create a strong, independent regulator. Mission and new product authority will continue to be separate; they should not be. Capital requirements will not be flexible; they should be. Growth of these two enterprises will go largely unconstrained.

None of those things are desirable. I hope we can address them all when we come back and resolve them satisfactorily in a very few months.

Having said that, there is a lot of progress that has been made. If we go back a year or so, we had large differences where folks in the Senate were on a path forward with respect to a strong, independent regulator for Government-sponsored enterprises. We agree on combining the regulator for Fannie Mae and Freddie Mac with the Federal Finance Board, which regulates the Federal Home Loan Banks. We agree on that now.

The question of the independent regulator from the appropriations process, we agree on that—that the regulator should be independent of the appropriations process. We also agree that the independent litigation authority for the regulator should be provided. Currently, they have to go through the Department of Justice, and I think we have all come to agree that is not the best course, and the regulator ought to have independent litigation authority. We decided the regulator has to have the power to put them into receivership if, God forbid, the worst should occur. We agree on that today. We have agreed on combined mission oversight and new product authority under one world class regulator, something that a month or a year or so ago we didn't have common cause on. We agree today that the regulator ought to have flexibility for setting capital standards—

the Congress setting standards for risk or minimum capital standards. We should invest in the regulator's authority.

We agree that there ought to be restrictions on the size of the portfolios of Freddie Mac and Fannie Mae. We are talking about hundreds of billions of dollars, literally, portfolios that exceed a trillion dollars. That is a lot of money. Enterprises of this size, because of the effect they can have on financial markets here and around the world, deserve a world-class regulator. We want to make sure they get that. That should be an early item of business next January.

Having said that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. BIDEN. Mr. President, I am pleased to speak today in enthusiastic support of Kent Jordan, a fellow Delawarean, who has been nominated by President Bush to serve on the U.S. Court of Appeals for the Third Circuit.

If Kent is confirmed by the Senate, he will have completed a meteoric rise to a seat on the Federal court of appeals, and no one is more deserving.

But before I talk about Judge Jordan, allow me to say a few words about the Judge whom Judge Jordan is nominated to replace. This spring, Judge Jane Roth informed the President that she would be taking senior status. Judge Roth has been a stellar presence on the Federal bench; she has served her country with dignity, wisdom and distinction. She is dedicated to the rule of law, and her representation of our State on the court of appeals has brought nothing but distinction to Delaware.

Like many of you, I have known Judge Roth for several years, and I look forward to her continued brilliant service as a senior judge of the circuit.

As I told the Judiciary Committee at his hearing, Kent Jordan has very large shoes to fill, but I am confident that he is up to the task.

Judge Jordan began his legal career with a clerkship in the chambers of Judge Latchum, a pillar of the bar in Wimington. He went on to serve as an assistant U.S. attorney, working on some highly publicized cases and bringing some really bad characters to justice.

He then became a partner at one of Delaware's top law firms, Morris James Hitchens & Williams, before becoming general counsel to the 102-year-old Corporation Services Company and finally, 4 years ago, being confirmed by this Senate to serve on the bench of the U.S. District Court for the District of Delaware.

Mr. Chairman, the past 4 years have demonstrated what those of us familiar with Judge Jordan already knew. He possesses the sterling academic and professional skills, as well as the vital judgment and temperament, to be an outstanding Federal district judge.

Lawyers who have appeared before Judge Jordan—even those he has ruled against—have described him as open-minded and fair. His colleagues on the bench have come to value his intellect, integrity and his friendship.

If confirmed, Judge Kent will be an asset to the appellate bench and a model of responsible jurisprudence for years to come. I have full confidence that he will bring to the appellate bench all of the assets he has so clearly demonstrated in the district court.

I highly commend Judge Jordan to my colleagues and ask that they vote to confirm his nomination.•

Mr. BURR. Mr. President, I yield back the remaining time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Time is yielded back.

Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Kent A. Jordan, of Delaware, to be United States Circuit Judge for the Third Circuit?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from South Carolina (Mr. GRAHAM), the Senator from Utah (Mr. HATCH), the Senator from Arizona (Mr. MCCAIN), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Missouri (Mr. TALENT), and the Senator from Virginia (Mr. WARNER).

Further, if present and voting, the Senator from Utah (Mr. HATCH) and the Senator from Virginia (Mr. WARNER) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Connecticut (Mr. DODD) are necessarily absent.

The PRESIDING OFFICER (Mr. BURR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 276 Ex.]

YEAS—91

Akaka	Cantwell	DeMint
Alexander	Carper	DeWine
Allard	Chafee	Dole
Allen	Chambliss	Domenici
Baucus	Clinton	Dorgan
Bayh	Coburn	Durbin
Bennett	Cochran	Ensign
Bingaman	Coleman	Enzi
Bond	Collins	Feingold
Boxer	Conrad	Feinstein
Bunning	Cornyn	Frist
Burns	Craig	Grassley
Burr	Crapo	Gregg
Byrd	Dayton	Hagel
Harkin	Lott	Santorum
Hutchison	Lugar	Sarbanes
Inhofe	Martinez	Schumer
Inouye	McConnell	Sessions
Isakson	Menendez	Shelby
Jeffords	Mikulski	Smith
Johnson	Murkowski	Snowe
Kennedy	Murray	Stabenow
Kerry	Nelson (FL)	Stevens
Kohl	Nelson (NE)	Sununu
Kyl	Obama	Thomas
Landrieu	Pryor	Thune
Lautenberg	Reed	Vitter
Leahy	Reid	Voinovich
Levin	Roberts	Wyden
Lieberman	Rockefeller	
Lincoln	Salazar	

NOT VOTING—9

Biden	Graham	Specter
Brownback	Hatch	Talent
Dodd	McCain	Warner

The nomination was confirmed.'

LEGISLATIVE SESSION

Mr. ENZI. I ask unanimous consent the President be immediately notified of the Senate's action and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

HUNGER-FREE COMMUNITIES ACT OF 2005

Mr. DEWINE. Mr. President, I ask unanimous consent on behalf of the leader that the Committee on Agriculture be discharged from further consideration of S. 1120 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1120) to reduce hunger in the United States by half by 2010, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DEWINE. I understand there is an amendment at the desk, and I ask unanimous consent the amendment be considered and agreed to, the bill, as amended, be read three times and passed, the motion to reconsider be laid upon the table, the title amendment, which is at the desk, be agreed to, and any statements be printed in the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5233) was agreed to, as follows:

(Purpose: To make perfecting amendments)

On page 1, line 5, strike ''2005'' and insert ''2006''.

On page 2, strike lines 3 through 10.

On page 2, line 11, strike ''(4)'' and insert ''(1)''.

Beginning on page 2, strike line 19 and all that follows through page 3, line 21.

On page 3, line 22, strike ''(8)(A)'' and insert ''(2)''.

On page 4, line 2, strike ''and''.

Beginning on page 4, strike line 3 and all that follows through page 5, line 2.

On page 5, line 3, strike ''(10)'' and insert ''(3)''.

On page 5, line 5, insert ''and'' after the semicolon.

On page 5, line 6, strike ''(11)'' and insert ''(4)''.

On page 5, line 18, strike the semicolon and insert a period.

Beginning on page 5, strike line 19 and all that follows through page 6, line 9.

Beginning on page 7, strike line 12 and all that follows through page 8, line 12.

On page 8, strike line 13 and insert the following:

SEC. 101. HUNGER REPORTS.

On page 8, line 16, strike '', and annual updates of the study,'' and insert ''not later than 1 year after the date of enactment of this Act, and an update of the study not later than 5 years thereafter,''.

On page 8, strike lines 21 and 22 and insert the following:

(A) data on hunger and food insecurity in the United States;

On page 9, line 14, strike '', and annually thereafter,'' and insert ''and 5 years thereafter,''.

On page 10, line 14, strike ''50 percent'' and insert ''90 percent''.

Beginning on page 15, strike line 6 and all that follows through page 17, line 19, and insert the following:

SEC. 202. HUNGER-FREE COMMUNITIES TRAINING AND TECHNICAL ASSISTANCE GRANTS.

On page 19, line 10, strike ''or 202''.

On page 20, line 14, strike ''or 202''.

On page 20, strike line 15 and insert the following:

SEC. 203. REPORT.

The amendment (No. 5234) was agreed to, as follows:

Amend the title so as to read: ''To reduce hunger in the United States, and for other purposes.''

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1120

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 ''Hunger-Free Communities Act of 2006''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—NATIONAL COMMITMENT TO END HUNGER

Sec. 101. Hunger reports.

TITLE II—STRENGTHENING COMMUNITY EFFORTS

Sec. 201. Hunger-free communities collaborative grants.
Sec. 202. Hunger-free communities training and technical assistance grants.
Sec. 203. Report.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

Sec. 301. Authorization of appropriations.

SEC. 2. FINDINGS.

Congress finds that—

(1)(A) at the 1996 World Food Summit, the United States, along with 185 other countries, pledged to reduce the number of undernourished people by half by 2015; and

(B) as a result of this pledge, the Department of Health and Human Services adopted the Healthy People 2010 goal to cut food insecurity in half by 2010, and in doing so reduce hunger;

(2)(A) national nutrition programs are among the fastest, most direct ways to efficiently and effectively prevent hunger, reduce food insecurity, and improve nutrition among the populations targeted by a program;

(3) in 2001, food banks, food pantries, soup kitchens, and emergency shelters helped to feed more than 23,000,000 low-income people; and

(4) community-based organizations and charities can help—

(A) play an important role in preventing and reducing hunger;

(B) measure community food security;

(C) develop and implement plans for improving food security;

(D) educate community leaders about the problems of and solutions to hunger;

(E) ensure that local nutrition programs are implemented effectively; and

(F) improve the connection of food insecure people to anti-hunger programs.

SEC. 3. DEFINITIONS.

In this Act:

(1) DOMESTIC HUNGER GOAL.—The term ''domestic hunger goal'' means—

(A) the goal of reducing hunger in the United States to at or below 2 percent by 2010; or

(B) the goal of reducing food insecurity in the United States to at or below 6 percent by 2010.

(2) EMERGENCY FEEDING ORGANIZATION.—The term ''emergency feeding organization'' has the meaning given the term in section 201A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501).

(3) FOOD SECURITY.—The term ''food security'' means the state in which an individual has access to enough food for an active, healthy life.

(4) HUNGER-FREE COMMUNITIES GOAL.—The term ''hunger-free communities goal'' means any of the 14 goals described in the H. Con. Res. 302 (102nd Congress).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

TITLE I—NATIONAL COMMITMENT TO END HUNGER

SEC. 101. HUNGER REPORTS.

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study not later than 1 year after the date of enactment of this Act, and an update of the study not later than 5 years thereafter, of major matters relating to the problem of hunger in the United States, as determined by the Secretary.

(2) MATTERS TO BE ASSESSED.—The matters to be assessed by the Secretary shall include—

(A) data on hunger and food insecurity in the United States;

(B) measures carried out during the previous year by Federal, State, and local governments to achieve domestic hunger goals and hunger-free communities goals; and

(C) measures that could be carried out by Federal, State, and local governments to achieve domestic hunger goals and hunger-free communities goals.

(b) RECOMMENDATIONS.—The Secretary shall develop recommendations on—

(1) removing obstacles to achieving domestic hunger goals and hunger-free communities goals; and

(2) otherwise reducing domestic hunger.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, and 5 years thereafter, the Secretary shall submit to the President and Congress a report that contains—

(1) a detailed statement of the results of the study, or the most recent update to the study, conducted under subsection (a); and

(2) the most recent recommendations of the Secretary under subsection (b).

TITLE II—STRENGTHENING COMMUNITY EFFORTS

SEC. 201. HUNGER-FREE COMMUNITIES COLLABORATIVE GRANTS.

(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ''eligible entity'' means a public food program service provider or a nonprofit organization, including but not limited to an emergency feeding organization, that demonstrates the organization has collaborated, or will collaborate, with 1 or more local partner organizations to achieve at least 1 hunger-free communities goal.

(b) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary shall use not more than 90 percent of any funds made available under title III to make grants to eligible entities to pay the Federal share of the costs of an activity described in subsection (d).

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity under this section shall not exceed 80 percent.

(3) NON-FEDERAL SHARE.—

(A) CALCULATION.—The non-Federal share of the cost of an activity under this section may be provided in cash or in kind, fairly evaluated, including facilities, equipment, or services.

(B) SOURCES.—Any entity may provide the non-Federal share of the cost of an activity under this section through a State government, a local government, or a private source.

(c) APPLICATION.—

(1) IN GENERAL.—To receive a grant under this section, an eligible entity shall submit an application to the Secretary at the time and in the manner and accompanied by any information the Secretary may require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

(A) identify any activity described in subsection (d) that the grant will be used to fund;

(B) describe the means by which an activity identified under subparagraph (A) will reduce hunger in the community of the eligible entity;

(C) list any partner organizations of the eligible entity that will participate in an activity funded by the grant;

(D) describe any agreement between a partner organization and the eligible entity necessary to carry out an activity funded by the grant; and

(E) if an assessment described in subsection (d)(1) has been performed, include—

(i) a summary of that assessment; and

(ii) information regarding the means by which the grant will help reduce hunger in the community of the eligible entity.

(3) PRIORITY.—In making grants under this section, the Secretary shall give priority to eligible entities that—

(A) demonstrate in the application of the eligible entity that the eligible entity makes collaborative efforts to reduce hunger in the community of the eligible entity; and

(B)(i) serve a predominantly rural and geographically underserved area;

(ii) serve communities in which the rates of food insecurity, hunger, poverty, or unemployment are demonstrably higher than national average rates;

(iii) provide evidence of long-term efforts to reduce hunger in the community;

(iv) provide evidence of public support for the efforts of the eligible entity; or

(v) demonstrate in the application of the eligible entity a commitment to achieving more than 1 hunger-free communities goal.

(d) USE OF FUNDS.—

(1) ASSESSMENT OF HUNGER IN THE COMMUNITY.—

(A) IN GENERAL.—An eligible entity in a community that has not performed an assessment described in subparagraph (B) may use a grant received under this section to perform the assessment for the community.

(B) ASSESSMENT.—The assessment referred to in subparagraph (A) shall include—

(i) an analysis of the problem of hunger in the community served by the eligible entity;

(ii) an evaluation of any facility and any equipment used to achieve a hunger-free communities goal in the community;

(iii) an analysis of the effectiveness and extent of service of existing nutrition programs and emergency feeding organizations; and

(iv) a plan to achieve any other hunger-free communities goal in the community.

(2) ACTIVITIES.—An eligible entity in a community that has submitted an assessment to the Secretary shall use a grant received under this section for any fiscal year for activities of the eligible entity, including—

(A) meeting the immediate needs of people in the community served by the eligible entity who experience hunger by—

(i) distributing food;

(ii) providing community outreach; or

(iii) improving access to food as part of a comprehensive service;

(B) developing new resources and strategies to help reduce hunger in the community;

(C) establishing a program to achieve a hunger-free communities goal in the community, including—

(i) a program to prevent, monitor, and treat children in the community experiencing hunger or poor nutrition; or

(ii) a program to provide information to people in the community on hunger, domestic hunger goals, and hunger-free communities goals; and

(D) establishing a program to provide food and nutrition services as part of a coordinated community-based comprehensive service.

SEC. 202. HUNGER-FREE COMMUNITIES TRAINING AND TECHNICAL ASSISTANCE GRANTS.

(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ''eligible entity'' means a national or regional nonprofit organization that carries out an activity described in subsection (d).

(b) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary shall use not more than 10 percent of any funds made available under title III to make grants to eligible entities to pay the Federal share of the costs of an activity described in subsection (d).

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity under this section shall not exceed 80 percent.

(c) APPLICATION.—

(1) IN GENERAL.—To receive a grant under this section, an eligible entity shall submit an application to the Secretary at the time and in the manner and accompanied by any information the Secretary may require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

(A) demonstrate that the eligible entity does not operate for profit;

(B) describe any national or regional training program carried out by the eligible entity, including a description of each region served by the eligible entity;

(C) describe any national or regional technical assistance provided by the eligible entity, including a description of each region served by the eligible entity; and

(D) describe the means by which each organization served by the eligible entity—

(i) works to achieve a domestic hunger goal;

(ii) works to achieve a hunger-free communities goal; or

(iii) used a grant received by the organization under section 201.

(3) PRIORITY.—In making grants under this section, the Secretary shall give priority to eligible entities the applications of which demonstrate 2 or more of the following:

(A) The eligible entity serves a predominantly rural and geographically underserved area.

(B) The eligible entity serves a region in which the rates of food insecurity, hunger, poverty, or unemployment are demonstrably higher than national average rates.

(C) The eligible entity serves a region that has carried out long-term efforts to reduce hunger in the region.

(D) The eligible entity serves a region that provides public support for the efforts of the eligible entity.

(E) The eligible entity is committed to achieving more than 1 hunger-free communities goal.

(d) USE OF FUNDS.—An eligible entity shall use a grant received under this section for any fiscal year to carry out national or regional training and technical assistance for organizations that—

(1) work to achieve a domestic hunger goal;

(2) work to achieve a hunger-free communities goal; or

(3) receive a grant under section 201.

SEC. 203. REPORT.

Not later than September 30, 2011, the Secretary shall submit to Congress a report describing—

(1) each grant made under this title, including—

(A) a description of any activity funded by such a grant; and

(B) the degree of success of each activity funded by such a grant in achieving hunger-free communities goals; and

(2) the degree of success of all activities funded by grants under this title in achieving domestic hunger goals.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out title II $50,000,000 for each of fiscal years 2006 through 2011.

GYNECOLOGIC CANCER EDUCATION AND AWARENESS ACT OF 2005

Mr. ENZI. I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 1245, Johanna's Law, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1245) to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

There being no objection, the Senate proceeded to consider the bill.

Mr. COBURN. Mr. President, as a physician and a two-time cancer survivor, I believe that eliminating cancer should be among our Nation's highest priorities.

During my two decades practicing medicine, I have treated countless patients of all ages and backgrounds who were diagnosed with various forms of cancers. Many were successfully treated and are alive and healthy today. Others were not as fortunate. Sadly, most of these cases could have been treated if detected earlier. Nearly all could have been prevented.

As a physician, I know firsthand that both patients and health care providers are not properly informed about many symptoms and causes of cancer. I have long been disappointed that the U.S. Surgeon General and the Centers for Disease Control and Prevention, CDC, have failed to take an effective leadership role to educate the American people with lifesaving information about the various forms of cancer and how to protect themselves. As a result, the American Cancer Society estimates that 1,399,790 men and women—720,280 men and 679,510 women—will be diagnosed with and 564,830 men and women will die of cancer of all sites in 2006. Countless others will require invasive treatment that will forever affect their lives.

Each of these individual lives represents a failure to protect the health of one of our sisters, daughters, brothers, sons, parents, neighbors, and friends.

One recent patient of mine, an 18-year-old girl, is an example. She was diagnosed with human papillomavirus, HPV, infection. HPV is the cause of over 99 percent of all cervical cancers and is a sexually transmitted disease.

To prevent the onset of invasive cervical cancer, a large portion of this young girl's cervix had to be removed. As a result she is less likely to be able to become pregnant in the future and more likely to have a premature infant if she does become pregnant. And despite already undergoing invasive treatment, she remains at risk for future complications and additional surgeries.

This girl and the others that I am caring for in my medical practice are the real faces of those affected by HPV and cervical cancer. What we are confronting is not an isolated epidemic.

About 24 million Americans are currently infected with HPV according to the National Cancer Institute and an estimated 5.5 million Americans become infected with HPV every year. With 4.6 million of these HPV infections acquired by those aged 15 to 24, HPV accounts for over half of all new sexually transmitted diseases among young Americans. On March 8, 2004, researchers from the Colorado Health Sciences Center reported that more than 30 percent of women in a recent study were found to be infected with a strain of HPV linked to cervical and anal cancer. In comparison, 18.7 percent of men carried HPV–16, one of 10 high-risk strains of the virus.

Over 1,350,000 women will have invasive procedures each year just to assess the status of their abnormal pap smears secondary to HPV. According to the American Cancer Society, every year over 12,000 new cases of invasive cervical cancer are diagnosed and more than 4,000 women die of the disease. And noninvasive cervical cancer is estimated to be four times as widespread as the invasive type. HPV is also associated with other forms of cancer and more than 1 million precancerous lesions that affect both women and men.

Few of my patients with HPV had ever heard of the virus and were unaware of its health risks including its

link to cancer. Many of my fellow physicians were not even aware of HPV and its symptoms.

In 2000, I authored legislation directing the CDC and the Food and Drug Administration—FDA—to take actions to educate the public with ''medically accurate information'' about HPV and cervical cancer. I was disappointed when groups that claimed to advocate for women's health, such as the American College of Obstetricians and Gynecologists—ACOG—opposed my proposal and fought to keep the public in the dark about HPV.

The HPV law was approved by Congress as a component of the Consolidated Appropriations Act of 2001 and became Public Law 106–554 with the signature of President Bill Clinton on December 21, 2000. In a Statement of Administration policy, President Clinton stated:

> The Administration supports the goal of better informing the public about HPV and the fact that the use of condoms may not fully prevent HPV transmission.

The law directed CDC to develop a report outlining the ''best strategies to prevent future infections, based on the available science.'' After the repeated urging of Congress, CDC finally issued a report in 2004 that concluded:

> Because genital HPV infection is most common in men and women who have had multiple sex partners, abstaining from sexual activity (i.e. refraining from any genital contact with another individual) is the surest way to prevent infection. For those who choose to be sexually active, a monogamous relationship with an uninfected partner is the strategy most likely to prevent future genital HPV infections. For those who choose to be sexually active but who are not in a monogamous relationship, reducing the number of sexual partners and choosing a partner less likely to be infected may reduce the risk of genital HPV infection. . . .
>
> The available scientific evidence is not sufficient to recommend condoms as a primary prevention strategy for the prevention of genital HPV infection. . . .
>
> Regarding other possible prevention approaches, no data indicate that treatment of clinical lesions or use of microbicides will prevent transmission of infection, although HPV vaccines are likely to become available in the next few years and may become an effective prevention tool.

The CDC's conclusions reflected what has become the scientific consensus.

In a February 1999 letter to the U.S. House Commerce Committee, Dr. Richard D. Klausner, then-Director of the National Cancer Institute, stated:

> Condoms are ineffective against HPV because the virus is prevalent not only in the mucosal tissue (genitalia) but also on dry skin of the surrounding abdomen and groin, and it can migrate from those areas into the vagina and the cervix. Additional research efforts by NCI on the effectiveness of condoms in preventing HPV transmission are not warranted.

In 2001, the National Institute of Allergy and Infectious Diseases along with FDA, CDC and the U.S. Agency for International Development issued a consensus report regarding condom effectiveness that concluded ''there was no epidemiologic evidence that condom use reduced the risk of HPV infection.''

In November 2002, a meta-analysis of ''the best available data describing the relationship between condoms and HPV-related conditions'' from the previous two decades was published in the journal Sexually Transmitted Diseases. The meta-analysis concluded: ''There was no consistent evidence of a protective effect of condom use on HPV DNA detection, and in some studies, condom use was associated with a slightly increased risk for these lesions.''

Based upon these findings, the law directs CDC to ''prepare and distribute educational materials for health care providers and the public that include information on HPV. Such materials shall address modes of transmission, consequences of infection, including the link between HPV and cervical cancer, the available scientific evidence on the effectiveness or lack of effectiveness of condoms in preventing infection with HPV, and the importance of regular Pap smears, and other diagnostics for early intervention and prevention of cervical cancer.'' The CDC has not complied with this requirement.

The law further requires that ''all other relevant educational and prevention materials prepared and printed from this date forward for the public and health care providers by the Secretary—including materials prepared through the Food and Drug Administration, the Centers for Disease Control and Prevention, and the Health Resources and Services Administration—or by contractors, grantees, or subgrantees thereof, that are specifically designed to address STDs including HPV shall contain medically accurate information regarding the effectiveness or lack of effectiveness of condoms in preventing the STD the materials are designed to address.'' Again, Federal agencies have not complied with this provision of law.

The law directed the FDA ''to determine whether the labels are medically accurate regarding the overall effectiveness or lack of effectiveness of condoms in preventing sexually transmitted diseases, including HPV.'' Six years after this law was signed, the FDA is still in the beginning stages of crafting a new medically accurate informational label for condom packages. By way of comparison, it took 410 days to build the Empire State Building and 2 years, 2 months and 5 days to construct the Eiffle Tower.

Congress approved the HPV law precisely because Federal health agencies had failed to educate the American public about the health risks of HPV and how it can be prevented and these same agencies are continuing their cover-up of the HPV epidemic, now in violation of federal law.

In 1999, when this law was first offered in Congress, a study published by the American Journal of Preventive Medicine in June 1999, found that ''only 37 percent of respondents had ever heard of HPV,'' meaning knowledge of HPV has not increased in almost a decade. The 1999 study concluded ''implementing HPV education programs and measuring their effectiveness should be a priority.''

According to a 2005 Health Information National Trends Survey, only 40 percent of women have ever heard about HPV. Of those that have heard of HPV, less than 20 percent knew that HPV could sometimes lead to cervical cancer, meaning that only about 8 percent of American women are aware that HPV can cause cervical cancer. The only factors associated with having accurate knowledge—knowing that it could lead to cervical cancer—was an abnormal Pap test or testing positive on an HPV test. This suggests that most women are finding out about HPV only after experiencing a negative consequence.

As these numbers show, the failure of CDC and FDA to enact the HPV/cervical cancer education and prevention law has had real consequences—a hidden epidemic that claims thousands of lives every year and affects tens of millions of others.

It is unacceptable that federal health agencies have abdicated their responsibility and missions and intentionally ignored the law and, in so doing, placed the health and lives of millions in jeopardy.

Today the Senate has passed another bill, the Gynecologic Cancer Education and Awareness Act, or ''Johanna's Law,'' which will again direct CDC and FDA to educate the public about cervical cancer as well as other forms of gynecological cancer.

I would like to recognize Senator ARLEN SPECTER, Congressman DARRELL ISSA, cancer survivor Fran Drescher, and the countless other activists who are cancer survivors themselves or have a loved one who has been diagnosed with gynecological cancer who have championed this bill through Congress.

It is an unfortunate statement that this bill is even necessary. It is a recognition that federal health agencies have failed to effectively carry out their missions.

It was my concern that the same agencies entrusted with enacting this bill would ignore it in the same manner that the law Congress passed in 2000 has been ignored. That would mean that the dedication and hard work of the activists and survivors who supported this bill was for nothing.

When I voiced these concerns, Senator SPECTER agreed to amend the bill language to include a date certain that the cancer education activities that both this bill and the current law require. This assures that the law and the epidemic of gynecological and cervical cancer can no longer be ignored by federal agencies.

If the CDC and the FDA do not enact the provisions of this bill and the existing law—317P of the Public Health Service Act—by March 1, 2008, the Department of Health and Human Services is required to submit to Congress a ''a detailed description of all actions

taken'' to bring the Department into compliance every three months until the law has been fully enacted.

I fully expect that these requirements will compel CDC and FDA to enact these important laws and the Department will not deliver ''the dog ate my homework'' excuses. Laws, after all, are not optional for citizens, for members of Congress or even for government agencies and bureaucrats.

Again, I am pleased that the Senate is directing federal health agencies to do their part to help educate and prevent gynecological and cervical cancer and that this time we will hold them accountable to ensure that not another one of our sisters, daughters, mothers, or friends falls victim to this silent epidemic.

Mr. ENZI. I ask unanimous consent that the amendment at the desk be agreed to, the bill as amended be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5235) was agreed to, as follows:

(Purpose: To provide a complete substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Gynecologic Cancer Education and Awareness Act of 2005'' or ''Johanna's Law''.

SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Section 317P of the Public Health Service Act (42 U.S.C. 247b–17) is amended—

(1) in the section heading by adding ''(JOHANNA'S LAW)'' at the end; and

(2) by adding at the end the following:

''(d) JOHANNA'S LAW.—

''(1) NATIONAL PUBLIC AWARENESS CAMPAIGN.—

''(A) IN GENERAL.—The Secretary shall carry out a national campaign to increase the awareness and knowledge of health care providers and women with respect to gynecologic cancers.

''(B) WRITTEN MATERIALS.—Activities under the national campaign under subparagraph (A) shall include—

''(i) maintaining a supply of written materials that provide information to the public on gynecologic cancers; and

''(ii) distributing the materials to members of the public upon request.

''(C) PUBLIC SERVICE ANNOUNCEMENTS.—Activities under the national campaign under subparagraph (A) shall, in accordance with applicable law and regulations, include developing and placing, in telecommunications media, public service announcements intended to encourage women to discuss with their physicians their risks of gynecologic cancers. Such announcements shall inform the public on the manner in which the written materials referred to in subparagraph (B) can be obtained upon request, and shall call attention to early warning signs and risk factors based on the best available medical information.

''(2) REPORT AND STRATEGY.—

''(A) REPORT.—Not later than 6 months after the date of the enactment of this subsection, the Secretary shall submit to the Congress a report including the following:

''(i) A description of the past and present activities of the Department of Health and Human Services to increase awareness and knowledge of the public with respect to different types of cancer, including gynecologic cancers.

''(ii) A description of the past and present activities of the Department of Health and Human Services to increase awareness and knowledge of health care providers with respect to different types of cancer, including gynecologic cancers.

''(iii) For each activity described pursuant to clauses (i) or (ii), a description of the following:

''(I) The funding for such activity for fiscal year 2006 and the cumulative funding for such activity for previous fiscal years.

''(II) The background and history of such activity, including—

''(aa) the goals of such activity;

''(bb) the communications objectives of such activity;

''(cc) the identity of each agency within the Department of Health and Human Services responsible for any aspect of the activity; and

''(dd) how such activity is or was expected to result in change.

''(III) How long the activity lasted or is expected to last.

''(IV) The outcomes observed and the evaluation methods, if any, that have been, are being, or will be used with respect to such activity.

''(V) For each such outcome or evaluation method, a description of the associated results, analyses, and conclusions.

''(B) STRATEGY.—

''(i) DEVELOPMENT; SUBMISSION TO CONGRESS.—Not later than 3 months after submitting the report required by subparagraph (A), the Secretary shall develop and submit to the Congress a strategy for improving efforts to increase awareness and knowledge of the public and health care providers with respect to different types of cancer, including gynecological cancers.

''(ii) CONSULTATION.—In developing the strategy under clause (i), the Secretary should consult with qualified private sector groups, including nonprofit organizations.

''(3) FULL COMPLIANCE.—

''(A) IN GENERAL.—Not later than March 1, 2008, the Secretary shall ensure that all provisions of this section, including activities directed to be carried out by the Centers for Disease Control and Prevention and the Food and Drug Administration, are fully implemented and being complied with. Not later than April 30, 2008, the Secretary shall submit to Congress a report that certifies compliance with the preceding sentence and that contains a description of all activities undertaken to achieve such compliance.

''(B) If the Secretary fails to submit the certification as provided for under subparagraph (A), the Secretary shall, not later than 3 months after the date on which the report is to be submitted under subparagraph (A), and every 3 months thereafter, submit to Congress an explanation as to why the Secretary has not yet complied with the first sentence of subparagraph (A), a detailed description of all actions undertaken within the month for which the report is being submitted to bring the Secretary into compliance with such sentence, and the anticipated date the Secretary expects to be in full compliance with such sentence.

''(4) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there is authorized to be appropriated $16,500,000 for the period of fiscal years 2007 through 2009.''.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 1245), as amended, was read the third time, and passed.

AMENDING THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

Mr. ENZI. I ask unanimous consent that the Senate proceed to the immediate consideration of S. 4113, the Native American Methamphetamine Act, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 4113) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine.

There being no objection, the Senate proceeded to consider the bill.

Mr. ENZI. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 4113) was ordered to a third reading, was read the third time, and passed, as follows:

S. 4113

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

SECTION 1. NATIVE AMERICAN PARTICIPATION IN METHAMPHETAMINE GRANTS.

(a) IN GENERAL.—Section 2996(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797cc(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting '', territories, and Indian tribes (as defined in section 2704)'' after ''to assist States''; and

(B) in subparagraph (B), by striking ''and local'' and inserting ''territorial, Tribal, and local'';

(2) in paragraph (2), by inserting '', territories, and Indian tribes'' after ''make grants to States'';

(3) in paragraph (3)(C), by inserting '', Tribal,'' after ''support State''; and

(4) by adding at the end the following:

''(4) EFFECT OF SUBSECTION.—Nothing in this subsection, or in the award or denial of any grant pursuant to this subsection—

''(A) allows grants authorized under paragraph (3)(A) to be made to, or used by, an entity for law enforcement activities that the entity lacks jurisdiction to perform; or

''(B) has any effect other than to authorize, award, or deny a grant of funds to a State, territory, or Indian tribe for the purposes described in this subsection.''.

(b) GRANT PROGRAMS FOR DRUG ENDANGERED CHILDREN.—Section 755(a) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 120 Stat. 192) is amended by inserting '', territories, and Indian tribes (as defined in section 2704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797d))'' after ''make grants to States''.

(c) GRANT PROGRAMS TO ADDRESS METHAMPHETAMINE USE BY PREGNANT AND PARENTING WOMEN OFFENDERS.—Section 756 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 120 Stat. 192) is amended—

(1) in subsection (a)(2), by inserting '', territorial, or Tribal'' after ''State'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting '', territorial, or Tribal'' after ''State''; and

(ii) by striking ''and/or'' and inserting ''or'';

(B) in paragraph (2)—

(i) by inserting '', territory, or Indian tribe'' after ''agency of the State''; and

(ii) by inserting '', territory, or Indian tribe'' after ''criminal laws of that State''; and

(C) by adding at the end the following:

''(3) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 2704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797d)).''; and

(3) in subsection (c)—

(A) in paragraph (3), by striking ''Indian Tribe'' and inserting ''Indian tribe''; and

(B) in paragraph (4)—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''State's services'' and inserting ''services of the State, territory, or Indian tribe''; and

(II) by striking ''and/or'' and inserting ''or'';

(ii) in subparagraph (A), by striking ''State'';

(iii) in subparagraph (C), by inserting '', Indian tribes,'' after ''involved counties''; and

(iv) in subparagraph (D), by inserting '', tribal'' after ''Federal, State''.

LIFESPAN RESPITE CARE ACT OF 2006

Mr. ENZI. I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 3248, which was received from the House. I ask unanimous consent there now be up to 60 minutes of debate equally divided between Senators ENZI and COBURN or their designees with no amendments in order, and that following the use or yielding back of the time the bill be read a third time and the Senate proceed to a vote on passage without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3248) to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I would like to make a few brief comments. Then there will be others who will join me and Senator COBURN as well.

Currently there are over 40 million caregivers in the United States providing informal care or support to a disabled elderly relative. This represents about one out of every five homes in the United States. The Lifespan Respite Care Act would help these caregivers by authorizing competitive grants to aging and disability resource centers in collaboration with State respite coalitions and organizations. That would make quality respite care accessible to family caregivers regardless of age or disability.

Respite care provides family caregivers with the time to maintain their own health, bolster family stability, and keep marriages intact. It also allows family caregivers to avoid or delay police intervention and nursing home or foster care placements.

Over 180 national and State organizations have endorsed this important legislation, including the Alzheimer's Association, the MS Society, Easter Seals, Christopher Reeve Paralysis Foundation, the ALS Association, and the National Patient Advocate Foundation, to mention but a few.

The House of Representatives passed the Lifespan Respite Act by voice vote without objection on December 5, 2006. In the Senate, a similar version passed unanimously in 2003 and has twice passed the Health, Education, Labor and Pensions Committee in previous Congresses. The bill has strong bipartisan support in the Senate.

I thank my good colleague, Senator WARNER, for his leadership and work on this important legislation during this Congress and previous Congresses. It was his bill that we moved through the Health, Education, Labor and Pensions Committee. Without his perseverance we would not be here today to pass this bill and send it to the President for his signature.

I would also like to thank Senator CLINTON, the cosponsor of this important legislation, who has worked diligently on it.

I respectfully ask my Senate colleagues to approve this legislation and send it to the President to be signed into law.

• Mr. WARNER. Mr. President, I rise in support of the Lifespan Respite Care Act.

I have long been a major supporter of providing community-based respite care services for family caregivers of children and adults with special needs. In fact, as the lead Republican sponsor of the Senate bill for several years, I am pleased that in previous years the bill has been approved by the HELP Committee twice and by the full Senate once.

This legislation was first brought to my attention by a number of Virginians suffering from ALS, also known as Lou Gehrig's disease, and by their family caregivers. The Lifespan Respite Care bill is important because diseases such as ALS, MS, Alzheimer's, cancer, and others afflict far too many Americans.

While substantial investments have been made to help find cures for these diseases, we all know that until cured, these diseases will continue to have a substantial effect on far more people than the individuals who are diagnosed with them. ALS, MS, Alzheimers, and other diseases all have a tremendous impact on the family and particularly on family members who, out of love and compassion, take care of their loved ones who are terminally ill.

Serving as a family caregiver, though, often results in substantial emotional, physical, and financial hardship. It can take a tremendous toll on the family. Respite care services can provide assistance.

Currently, the Federal Government does provide some respite care assistance to some family caregivers. However, these programs are directed primarily at lower-income populations and at family caregivers of older Americans. Thus, existing programs of respite care are insufficient to meet the need. This legislation is intended to fill the gap.

This important legislation will authorize competitive grants to Aging and Disability Resource Centers in collaboration with a public or private nonprofit State respite coalition to make quality respite available and accessible to family caregivers, regardless of age or disability.

In so doing, this bill will be a win-win-win for everybody involved. Patients will be able to receive care in the home from loving, caring family members rather than in a nursing home. Family members will be even further encouraged to serve as a family caregiver knowing that services will be available to assist them. And, finally, the Federal Government and our health care system will recognize fiscal savings as—more care will be given in the home by a family member rather than in the more costly nursing home setting. As we all know, given the aging baby boomer generation, the cost of Medicaid nursing home care is expected to be a primary reason of increased healthcare costs in the years to come. The Lifespan Respite Care bill is one step in the right direction towards controlling these costs.

I would like to thank Republican Congressman MIKE FERGUSON of New Jersey for his work and dedication to this cause. He has been a champion on this issue for years and recognizes its importance based on his very personal experience, as he witnessed his father serve as a family caregiver. I would also like to thank the National Respite Care Coalition and its Chair, Jill Kagan, who has worked tirelessly on behalf of the Nation's family caregivers on this issue.

I also thank Senator SNOWE, Senator ENZI, and Senator GREGG for their support. Finally, I thank Senator CLINTON and her professional staff for partnering with me and my staff for the past 5 years on this important legislation.•

• Mr. HATCH. Mr. President, I rise in strong support of S. 1245, the Gynecologic Cancer Education and Awareness Act, better known as Johanna's Law. This bill needs to be signed into law as quickly as possible.

Johanna's Law creates a national public awareness campaign to increase the knowledge of both women and their health care providers concerning gynecologic cancers. This national campaign will include written materials for the public on gynecologic cancers and public service announcements to encourage women to discuss with their physicians their risks of

gynecologic cancers. In addition, women will be directed on where to get additional information on the early warning signs and risk factors associated with gynecologic cancers.

The legislation also requires the Secretary of Health and Human Services, HHS, to submit a report to Congress on the past and present activities of the agency to increase awareness on all cancers, including gynecologic cancers. The report also would include information on what HHS is doing to educate health care professionals on these cancers. Once this report is submitted to Congress, the Secretary of HHS is required to develop and submit a strategy for improving efforts to increase awareness and public knowledge on gynecologic cancers. When developing this strategy, the Secretary is encouraged to consult with qualified public sector groups, including non-profit organizations.

Finally, this legislation authorizes $16.5 million to be appropriated for this program from fiscal year 2007 through fiscal year 2009.

I am extremely supportive of this legislation, and have worked to see its enactment this week.

Why is this bill important?

The stories of two very special women will answer that question. They have, I believe, made a huge difference in passing this legislation.

The first person is Grace Warren, who handled health care issues with great skill for Congressman RALPH HALL of Texas for many years. Ms. Warren is one of those Hill staffers who is well known for her institutional knowledge and her professionalism. She is widely respected and loved on both sides of the aisle.

Unfortunately, Grace's career on Capitol Hill was cut short in November 2003, when she was diagnosed with ovarian cancer. She retired from the House of Representatives last year, and passing this legislation became her passion.

Ms. Warren made a compelling case to both my office and the Senate HELP Committee on why this legislation needs to be signed into law this year. While Ms. Warren believes that this bill won't do anything for those women who have already been diagnosed with gynecologic cancers, she recognizes that it will make a huge difference for other women because it will help educate them on the early warning signs of gynecological cancers, such as abdominal swelling, gastrointestinal disturbances, lower back pain and abnormal bleeding.

The second person whom I would like to acknowledge is Ms. Fran Drescher who also must deserve great credit for getting this legislation through the Congress. Her commitment to having this bill signed into law has been very impressive to me.

Ms. Drescher has tirelessly visited with Members of Congress this entire week and will be staying in town until this legislation is passed by both Houses of Congress.

While I have known Fran for many years, it was gratifying to be reminded of her tremendous enthusiasm and her commitment to women's health. Ms. Drescher is extremely articulate when she is advocating for Johanna's law. And that is because as a cancer survivor herself, she is strongly committed to educating women about awareness and early detection of gynecologic cancers.

It was painful for me to hear her story. Over a period of 2 years, Ms. Drescher tried to get a diagnosis for her symptoms. She saw eight doctors before being told that she had uterine cancer.

This should never happen.

Ms. Drescher recognizes that women must know the early warning signs of all gynecologic cancers and which tests are available because women cannot assume that these tests will be offered to them.

In addition, she is the author of the book Cancer Schmancer which discusses how she beat uterine cancer. Her dedication and commitment have made a tremendous difference and we all greatly appreciate her efforts.

Both Ms. Warren and Ms. Drescher are truly amazing women who have shown a selfless dedication to making a difference in the lives of others.

It is for Grace Warren, and Fran Drescher, and the many, many other women who will be challenged by gynecological cancers that we must pass this legislation.

I strongly support this bill because I want women and their health care providers all to be educated about the early warning signs of these cancers.

I want a screening test to be developed so that it will be easier to diagnose gynecological cancers in the early stages of the disease.

I am tired of women having limited health care options because of late stage diagnosis. This must change.

But, I am hopeful that we can start to make a difference in the lives of all women the minute that this bill is signed into law. I urge my colleagues to support Johanna's Law.●

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, I am proud that we are finally sending the Lifespan Respite Care Act to the President for his signature. After 4 years of bipartisan efforts, we are delivering a great victory for millions of American families providing care to a parent, child, or loved one.

Thank you to Senator SNOWE who was the first lead Republican on the legislation and has been a champion for this bill and family caregivers.

Thank you to Senator WARNER for his efforts on the bill. Your leadership will make a difference in the lives of so many American families.

I want to express my appreciation to Representatives MIKE FERGUSON as the primary sponsor of the House bill as well as Congressman LANGEVIN. We would not be on the verge of enacting this bill without their work.

Deep appreciation and thanks to the Lifespan Respite Task Force, a coalition of 180 national, state, and local organizations under the direction of the National Respite Coalition. A special thank you to Jill Kagan of the National Respite Coalition for her leadership and invaluable assistance.

Today's passage represents a tremendous win: for ailing seniors, children, and loved ones being cared for at home; for family members providing a time-consuming, emotionally exhausting, and physically demanding labor of love; for our health care system; for our values; and for decisions based on evidence, not ideology.

Each year, 44 million Americans care for an adult family member who has a chronic illness or disability. Almost 4 million Americans with developmental disabilities, of all ages, live at home with their families.

These are our friends, neighbors, coworkers, loved ones; their work represents real struggle and hardship; extraordinary acts of love and generosity that we have a duty to honor and support.

This legislation will expand and enhance access to respite care services to provide support and relief to these families providing care; to help ailing loved ones stay in their homes longer; and to control health care costs as respite care allows families to postpone or prevent expensive hospitalization and nursing care.

Today, the fastest growing illnesses in our country are chronic illnesses. And our health care system—already burdened by rising costs, aging infrastructure, a growing population of elderly, and upside-down incentives—is struggling to adapt systems designed to provide acute and immediate care.

Families have stepped into this breach. Family caregivers provide 80 percent of all long-term care in the U.S.—work that is virtually always unpaid but valued at more than $300 billion annually. That is more than the entire amount we spent on Medicare in 2004.

Today, we are sending a message to family caregivers: through extraordinary sacrifice, in a system plagued by problems, you are part of the solution—and today, finally, Congress is part of the solution, too.

Because of their responsibilities at home, studies have shown us that it is much more difficult for caregivers to find and maintain jobs. Many caregiving families are struggling to stay afloat. The cost to businesses is estimated in the tens of billions of dollars, including the cost for employees who leave jobs due to overwhelming responsibilities at home.

This labor of love often results in substantial physical and psychological hardship. Research suggests that caregivers often put their own health and well-being at risk while assisting loved ones. Many caregivers are exhausted and are more prone to illness themselves. One study found that caregivers

are 51 percent more likely to experience sleeplessness and 61 percent more likely to experience depression.

Caregiving stress can even lead to marital discord and divorce.

Often, this incredible struggle—with little support despite the heroic efforts of the organizations advocating for and providing respite care—leads to more costly out-of-home placements as a family's only alternative.

Across our country quality respite care remains hard to find. Where community respite care services do exist, there are often long waiting lists. And until the Lifespan Respite Care Act, no Federal plan has focused on respite care to coordinate among disparate and fragmented services.

Now, after years of work on both sides of the aisle and between the Senate and House, we are finally going to begin meeting the growing needs of family caregivers.

Respite care provides some much needed relief—for a few hours or a few days—from the daily demands of caregiving, which are vast. And we know respite care works.

In one study, 88 percent of caregivers said that respite care allowed loved ones to remain at home.

Nearly 100 percent believed respite care made them better caregivers and helped them manage the stress of this incredible responsibility and 80 percent even said respite care helped their marriages.

This act is about real family values and it is exactly what we should be doing in this chamber—no partisanship; understanding hardships and taking steps to help; common sense solutions that put families in charge, that provide the tools to improve their own lives and honor their loved ones, that serve our health care system and our values.

Families have stepped into the breach—and now with the Lifespan Respite Care Act, Congress is sending these families a lifeline.

This legislation will expand access to respite care; improve local coordination of services; and help families find out about what is available and how to get the care they need.

This legislation will make respite services equally available to all age groups and prioritize those with special needs who do not qualify for any other respite services or who cannot find appropriate quality respite care in their communities.

It is critical that HHS ensures that the funds provided by this act are used by State agencies and ADRCs—which to date have primarily served the aging population—to serve all age groups and disability categories equally and without preference and without waiting periods or a phase in of age specific groups.

This legislation will also facilitate a coordinated approach at the Federal level. To ensure this critical component and maximize our investment, the grantees selected to implement Lifespan programs must be able to demonstrate unequivocally that they are working collaboratively at every level—with agencies in HHS that have respite resources, including the Administration on Aging, the Maternal and Child Health Bureau, other public health programs in the Health Resources and Services Administration, the Substance Abuse and Mental Health Administration, the Centers for Medicaid and Medicare, the Administration on Developmental Disabilities, and the Administration on Children and Families.

But improving the services at the local, State, and Federal levels is not enough. All family caregivers, regardless of the age, disability, or chronic condition of their loved ones, should be able to access information on how and where to find a respite provider that meets their needs and on how to pay for services. The lifespan respite program grantees will identify all the current respite funding streams in the State and assist a family in determining, their eligibility for any existing private, State or federally funded respite program. If that family does not qualify for any existing services, the lifespan respite program may use its funds to help families pay for respite. No family should struggle to obtain information on how or where to find or pay for respite care.

I thank chairman Senator ENZI for his leadership on the HELP Committee. It has been a privilege serving under him over these last several years, and I am very grateful to him for pushing forward a very positive agenda for the people of our country.

I am very proud that we are finally able to reach agreement on the Lifespan Respite Care Act and send it to the President for his signature. This has been a bipartisan effort from the very beginning. I am grateful to Senator WARNER who has made a real difference in his leadership on behalf of this bill. I am grateful to Senator SNOWE who was the first lead Republican on this legislation and has been a champion. I want to express my appreciation to Representative MIKE FERGUSON as the primary sponsor of the House bill, as well as Congressman JIM LANGEVIN. We would not be here on the verge of enacting this bill without their work.

Deep appreciation and thanks is due to the Lifespan Respite Task Force, a coalition of 180 national, State, and local organizations under the leadership and direction of the National Respite Coalition. A special thanks to Jill Kagan of the National Respite Coalition for her leadership and invaluable assistance.

As Senator ENZI said, this bill represents a tremendous acknowledgment of the families who are caring for their loved ones—for failing seniors, for children with disabilities, for a spouse who has been incapacitated by accident or chronic condition. Family members provide most of the support and the time-consuming physical labor and the emotionally exhausting input that really makes it possible to keep people at home.

You know, each year 44 million Americans care for an adult family member who has a chronic illness or disability. Almost 4 million Americans with developmental disabilities of all ages live at home with their families. Senator COBURN and I were talking earlier today—this is such a human issue that affects the lives and the fortunes and the feelings of so many of our fellow Americans.

What this legislation does is to expand and enhance access to respite care services. What are those for? Those are to give that wife who is caring for her ailing husband a few hours off a week. Those are for that father who devotes himself to his child with a disability, to have someplace to go to get a little bit of respite while his child is still well cared for.

Family caregivers provide 80 percent of all long-term care in the United States. But as Senator COBURN and I were discussing, you don't get real financial help unless you put your loved one in a nursing home. There is something wrong with that. That doesn't reflect our deepest values. The work that our loved ones do for all of us is unpaid but valued at more than $300 billion a year. That is more than the entire amount of money we spent on Medicare in 2004.

Today our Congress is sending a message to family caregivers: We recognize and we honor your commitment and in many instances your sacrifice. We know that because of this care many caregivers cannot keep their jobs.

It becomes too much of a burden. They struggle to stay afloat. They start selling off assets. This is a labor of love that often undermines the health of the very people who are providing it.

We found that many caregivers suffer physical symptoms, sleeplessness, depression. They feel like they are all alone.

This incredible struggle is one that we will see more and more of in our country because of our aging population. I am grateful that we are going to be passing this legislation and giving some assistance to these courageous men and women, these parents, these children, these grandparents, these spouses.

I hope, also, that in the new Congress we will address something else I talked to Senator COBURN about—that we can address this issue of caregiving, and particularly how to rearrange the incentives within our health care system, particularly through Medicaid, where 80 percent of the money is spent on 20 percent of the recipients; and that is mostly for long-term nursing care at the end of life. Many people would rather be home or rather be in a less-restrictive setting. If this is a statement of our concern, we need to follow that up.

This will provide what has been missing, improved coordination at the local level of services, helping families understand more about how to shoulder these burdens.

It is critical that Health and Human Services ensure that we serve all age groups, all disability categories, without preference, and that we begin to not just honor the love that we see and the sacrifices that are too often accompanying it but really provide some support.

I am deeply appreciative of all who have worked over the last year to make this legislation possible. I look forward to working with my colleagues on both sides of the aisle to continue to address these long-term needs and address how to help people stay at home, how to support their families who are doing the most important work there is.

The PRESIDING OFFICER. Who seeks time?

Mr. ENZI. Mr. President, I yield 8 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mrs. SNOWE. Mr. President, I thank Senator ENZI for the opportunity to speak today on this critical piece of legislation, as well as to commend the Senator from New York, Senator CLINTON, for her advocacy and leadership on this most critical issue which is paramount to millions of families across this country, and to Senator WARNER, who has also been a leading advocate and champion of this legislation. I certainly want to commend them both for making sure this legislation is coming to the forefront of the Congress in the final days and which, ultimately, will lead to its passage.

I, also, want to express my commendations to the sponsor in the House of Representatives, Congressman MIKE FERGUSON, because this is clearly a very critical issue. He understands firsthand, personally, from his own family circumstances, how important care giving and respite services are for caregivers and how it is so essential and vital to our Nation's families.

I know how important this is. In fact, I introduced the first legislation recognizing National Family Caregivers Week back in 1986. It is more than 20 years that I have been involved in such endeavors. There is no question—and it has been irrefutable across this country—about the necessity of providing more support to those who provide support to families, to ailing family members. The fact is the need is more than $300 billion a year. We, also, know that it takes a tremendous toll on families to provide that care day in and day out.

That is why I think we do have a Federal responsibility and obligation to ensure that we can coalesce those resources that can make it easier and to mitigate the impact on those family members who are providing around-the-clock care.

When I first became involved in this issue in the House more than 20 years ago, I took it upon myself to visit homes throughout my congressional district in the State of Maine. What I saw was incredible. I saw 80-year-olds taking care of 80-year-olds, doing the most incredible things, medically and otherwise, to provide round-the-clock care to their ailing family members. It was clear to me then that we needed to do more to provide the respite support for family members so they can have the ability to have support outside the family which is critical for them, so they can continue to keep their ailing family member at home but at the same time having the kind of care which is so essential to help them get better.

That is what this is all about. It is helping those who need our help. Certainly, to have the support of the type of facilities and services that exist in a particular community which can address their needs and who they can turn to for advice is absolutely instrumental. It, also, leads to a higher quality of life for many because they can be at home, where they can be provided home care. They can be at home and get the kind of support that otherwise would be necessary if they had been institutionalized or hospitalized.

In addition, such care can also result in substantial cost savings to the family, to the Government, and to the community, in fact.

I think it is in our national interest to provide these benefits. I think, frankly, the support of such care has been all too limited. This is long overdue. That is why I commend Senator CLINTON and Senator WARNER and some others who have given their support to this type of initiative.

We, clearly, have a Federal obligation and responsibility to focus on the kind of respite care that is so essential for allowing people to take care of their ailing family members in a home setting. It certainly eases and mitigates the impact on the Federal costs, whether it is on Medicaid or Medicare. It can save families thousands of dollars a year.

This is something that is in our national interest. I think it is also crucial that we ease the burden of this responsibility which is placed on caregivers as well. It is critical that they have access to better information on services and be able to provide it. They are heroes in every sense of the word.

We think about life expectancy today and how many years caregiving will be provided by the American family. It can be 17 years, at the minimum, for an elderly parent. I think it gives a dimension to the issue and the problems that are at stake if we fail to provide the kind of support which is necessary.

That is why I have introduced legislation, the Refundable Dependent Care Tax Credit. For example, I think we should provide the type of incentives and support to families that enables them to take care of their loved ones at home.

When I first visited homes where people were providing this kind of care, I was absolutely astonished at the level of care these individuals were providing their family members. It occurred to me then, and it is one that has remained with me ever since, that we have to do everything conceivably possible to amass the resources and the support for these family caregivers.

When you think of the dimensions of the problem, when you think about the demographics in America and the life expectancy, it is all the more crucial that the Federal Government play a role. That is exactly what this legislation is all about. It will provide the kind of resources that are going to be important, it will provide grant support, it will increase the availability of appropriately trained respite care providers and volunteers—again, another aspect to the entire spectrum of resources I think we need to provide these families who are providing the caregiving support.

Frankly, we need to have more respite care providers. It eases the burden on these family members so they can do other things in the day, what is required in daily living, that they have the ability to know they can fall back on the type of support which will provide the continuity of care and the level of care their family members certainly deserve. I think this legislation goes a long way in providing that kind of support and eases the burden on those family members who are so devoted to their loved ones.

I think, frankly, we will have to do more. That is why, as we are looking at a tax incentive in the overall tax package, we have to give some review to the notion of having a tax credit that is refundable for providing this kind of dependent care. I think it is going to be a wave of the future, frankly, given the dimensions of this problem which is certainly lurking on the horizon.

I want to, again, commend Senator CLINTON for her leadership in making this possible and to Senator WARNER and, of course, Congressman FERGUSON, in the House, and all those who supported it—and Chairman ENZI, as well, for his leadership in making sure that the passage of this legislation will become a reality when you consider I think the enormity and the magnitude of the care and support that it will give to families who most deserve it.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Oklahoma.

Mr. COBURN. Mr. President, I was asked to allow this bill to come up at this late hour in the Congress. This bill is going to pass. The goals of this bill are very worthy. As a practicing physician, and knowing the families whom I take care of and the family members they have, I know the burden that is placed on multitudes of people. When they do the better thing of keeping their loved ones in their own homes, in terms of quality of life, I have no argument with the intent and background of what is trying to be accomplished. But I want to make three points.

One is how this place operates. What we do at the end of the session is we try to run hundreds of bills through that very few people have thoroughly looked at, that drives all sorts of new spending, that does not get the privilege of the debate that the American people deserve on the priorities of how we spend their money. That needs to change. It is a terrible way to govern. It is inappropriate in the way we do it. It has more to do with the rules that we operate the Senate under than anything else. That ought to be changed. There is no question I am known for my desire to try to get our fiscal house in order. For example, this bill is great, but what the American people are never going to ask out of the almost $350 million that this bill authorizes, where is the money going to come from to pay for it? What priority is going to be decreased so that priority can be increased?

We have in the Social Security account a surplus this year. We have a $344 billion deficit. A lot of my friends would say that reflects the fact that we need to have pay-go and increase taxes. But during the last 2 years, I have held 49 hearings in the Federal Financial Subcommittee of the Committee on Governmental Affairs, where we have identified a pure $100 billion worth of waste, fraud or duplication in this Government, and no one wants to change that. It is easy for us to come out here and spend $300 million on a new program. But it is very hard for us to get together and do the hard work of eliminating the fraud, waste, and duplication.

There are two other programs that have money in them available for this, not the correct way, and not done as good as this bill does it. We haven't done anything in this bill to change those programs to redirect any of that money through. So now we are going to have three programs that have an impact in this area. Representative FERGUSON has done a great job of bringing this up. But unless we change the culture of how we operate, we are going to enhance what we call the birth tax. When you are born today in this country, counting the unfunded liabilities for Medicare, Medicaid, and Social Security, you are born having liabilities of $435,000 on you the day you are born. We are adding a little bit to that. We are adding a little bit more and a little bit more.

Until we get together and say we are going to review this Government and get rid of the waste, fraud, and abuse, we are going to care as much about the person who is born today as we care about those who need some respite care, legitimate rest from the care of parents of those people they love, we will do a great disservice. We are doing a great disservice in this country.

Two weekends ago, I delivered a 9 pound 4 ounce baby to a woman whom I had delivered a baby to before. I had very well controlled her gestational diabetes. She had delivered a 9-pound baby before that. I thought about the 2½ minutes it took me, from the time I decided I couldn't deliver a baby in a normal way for her. It took me 2½ minutes from the time of that crunch when there was no way to get a baby out, with a heartbeat of 50 beats per minute—which is about 40 percent of what it should be—we have a baby in trouble; it took me about 2½ minutes to go around and get that baby out of that momma. We saved that baby's life.

Now, the corollary is, I had warning signals. I had indications that said things aren't going right. And this body, this Congress, this Government is not paying attention to the warning signals. The baby is going to die. Our country is going to drown in debt.

The processes by which we operate include not paying attention to the waste, fraud, and abuse and not making the hard choices on priorities, not offsetting, not deauthorizing something else that is not working where there are billions of things that are not working, and adding another problem. We are adding to that.

As a Senate, we are not ill-intentioned; we just are not paying attention to the warning signs. We are not paying attention to the fetal monitor of our country and the future for the next generations. It is just as laudable to care as much about the next two or three generations that come down the road as we care for those who need our help today, except this bill doesn't do that.

This bill is going to go by voice vote—and I have allowed it; I will not even vote against it—but I wanted this time to make this statement.

What will follow this bill today is a tragedy. We are going to spend another $17.5 billion on the tax-extender package that is getting ready to come through this place. We are going to pick up the bills mining companies owe and we are going to charge that to the rest of the people in this country. We are going to overspend on lots of things. We are not going to cut doctor's fees—and I am a doctor—but we are not going to pay for it. We are going to pay for it through gimmicks, and we are going to tell everybody that we are doing great things. In fact, we are being dishonest.

There are two cultural problems that have to change: We have to quit authorizing new programs unless we deauthorize other programs, and we have to reach across the aisle and say that we need to review everything we have, and whatever is duplicative, let's get rid of it and save these costs. If one does not work as well, put the money in the other and save the money.

Let's get rid of the fraud. We are paying out $38 billion a year to things we should not be paying for right now, and that is an underestimate because we have only looked at 60 percent of the Government in terms of improper payments. We still have a law that is not being followed by 40 percent of the agencies. They are not reporting their improper payments. We had a Pentagon that paid $6 billion in the last 5 years for contractors for performance bonuses, and they did not come close to reaching the performance basis for the bonus. That is our fault. That is us. We are charged with the responsibility of doing what is necessary.

The final point I wish to make is that if we keep nibbling around the edges on health care, we are going to find ourself in the biggest jam in the world. We have two choices: We are going to either have government-run health care or we are going to control the costs by basically allocating it at end of life and telling people what they cannot have. That is how most other countries do it. Or we will fix health care. We spend 16.3 percent of our GDP on health care, and $2.2 trillion is what we will have spent at the end of this year. That is 16 percent of our GDP. The closest country in the world spends 11 percent of GDP on their health care, and they don't have a government-run health care program.

Fully $1 out of every $3 we spend on health care today does not go to help somebody get well or keep them healthy. Our prevention programs, which is the key to our success in solving our health care problems, are abysmal. They are wasteful. They are not effective. We talk about diabetes, we talk about obesity, but we are inept in any type of consensus as to where we can make a difference in prevention. We have to address that issue, and I believe this is a fix around the edge. We need a comprehensive fix and a look at health care in America. We need to do it knowing the motivation.

Most people are surprised to learn that out of that $2.2 billion we spend on health care every year, $152 million is spent on things that nobody needs except providers to protect themselves from lawsuits. Now, we need a good trial bar. We need to be held accountable. But it has gotten so far out of hand that we are adding to the birth tax.

I beg my colleagues and the American people who are listening to this, let's get our act together. Let's start not just authorizing, let's deauthorize before we authorize. Let's fix health care. Let's do oversight in a way that saves money for the future. If we have eliminated the waste, we have eliminated the fraud, we have eliminated the duplication in this Government, we have to go to the American people and say: Shouldn't we pay a little more taxes now rather than ask for this birth tax?

Remember, the birth tax is over $400,000 per baby right now. Every baby I deliver, the first thing I see is a beautiful young child, and then in the back of my mind I wonder, how are you ever going to get out of this mess we have left you?

I appreciate the concern and the intent of those supporting this bill. This bill has come to the Senate in the

wrong way. This bill should have had its authorization offset. This bill does address a very real need, but there are a lot of very real needs out there that we need to do that we cannot do and we cannot fund because we are not doing our job.

Our country is at a crossroad. The fetal monitoring alarm is on. The baby's heartbeat is low. It is time to do what is necessary. The debt burden cannot be swallowed, the unfunded liabilities cannot be handled. It is up to us to change that. Let's lower that birth tax. Let's get rid of that. Let's work together to do the things we can do to lessen that impact on the generations to come.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. DEMINT). The Senator from Wyoming.

Mr. ENZI. I am not aware of anyone on our side who wishes to speak.

I thank the Senator from Oklahoma, Mr. COBURN, for his concise and important comments, the warning signs he has given. I congratulate him for the times he has already constrained spending. He mentioned the preventive care doctors take. Maybe his comments have already resulted in people taking on a little bit more regarding preventive care. There is a lot more that can and should be done. I urge Members to review his words.

I thank the Senator for the cooperation on different bills as they have gone through and made changes.

I yield back the remainder of my time.

Mr. COBURN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

The question is on the third reading and passage of the bill.

The bill (H.R. 3248) was ordered to a third reading, was read the third time, and passed.

Mr. ENZI. I move to reconsider the vote.

Mrs. CLINTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. ENZI. I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each, with the following lineup: 10 minutes for Senator DORGAN; 15 minutes, Senator DEMINT; 10 minutes, Senator LAUTENBERG; Senator DEWINE until 3:15; Senator LINCOLN at 3:15 for 45 minutes; Senator DURBIN for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent that my 15 minutes be extended to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

INDIAN HEALTH CARE

Mr. DORGAN. Mr. President, I rise to talk about a piece of legislation that is not getting completed, and I will do that in a moment.

I thank my colleague from Wyoming and others for the work they have just completed with respect to the issue of family care and family support. It is a very important piece of legislation.

I listened to my colleague from Oklahoma talk about a number of important issues.

Regarding the issue of health care, clearly we have to deal with the health care issue. He mentioned the amount of money spent on health care. It is true, we spend more money per person than anybody in the world, by far. And by the way, we rank 48th in life expectancy. Yes, 48th—not 20th or 2nd but 48th in life expectancy, a country which spends far more than any other country per person in the world on health care. We have a lot to do on health care.

With respect to fiscal policy, my colleague raises an important point about things that come to the Senate—proposals, ideas—that are not paid for. He raises an important point. They should be paid for.

The largest area of that kind of expenditure, by the way, in recent years, has come at the request of the President. Nearly $400 billion, now, is the cost for the war in Iraq, Afghanistan, and the fight against terrorism. None of it is paid for. We have sent America's sons and daughters to war, wearing America's uniform, and essentially said to them: By the way, go fight; when you come back, you can pay the bills because the President has not asked and this Congress has not had the courage to decide we ought to pay for that which we spend. That does need to change.

I noticed this morning in the Washington Post an article by a man named Samuelson, apparently an economist. I have read some of what he has said over the years. He talks about the value of the dollar slipping, decreasing, and its consequences on our country. He described all the reasons except the real reason. The real reason our dollar has decreased in value is we have an unsustainable trade deficit of $800 billion a year, $2 billion a day, day after day after day. That is unsustainable and will, without question, jeopardize this country's future. It will have a profound influence on the value of the dollar with respect to the value of our currency. That will have an influence on virtually everything else in this country.

So we have to get our hands around this issue of international trade and start demanding and insisting on fair trade, start deciding with our trading partners—China and other countries, Japan, South Korea, Europe—that we are not going to allow these dramatic trade imbalances to occur. They will have dramatic impact on this country's economic future. I will have more to say about that at another time.

Because there was discussion about health care in the Senate, I wanted to speak about something that isn't getting done today, and it is a real tragedy. I use the word ''tragedy'' because it is the right word to use about this issue.

Senator JOHN MCCAIN and I have worked as chairman and vice chairman of the Indian Affairs Committee all of this session of the Congress to try to pass a piece of legislation called the reauthorization of the Indian Health Care Improvement Act. We come to the end of the session without progress, unfortunately.

Senator MCCAIN has done great work on this issue. My other colleagues—I notice my colleague from Wyoming, who is in the Chamber—have worked with us on this issue. The Indian Health Care Improvement Act should have been done, should have been passed. We come to the end of another session of the Congress and it is not getting done. There is a reason for that. We have written legislation that is bipartisan, and day after day after day, month after month, the agencies and the administration have objected.

Let me describe what we face with respect to Indian health care. A good many American Indians, Native Americans, live in Third World conditions. I have spoken about it many times on the floor of the Senate. They live in Third World conditions inside this country. I have spoken about the grandmother who lay down in this country on a cot in a house and froze to death. It is in this country. Read that story and then ask yourself: What backward Third World country did that occur in? It occurred in this country.

The fact is, whether it is health care or housing or education, we face a bona fide crisis on Indian reservations. We have a responsibility, what is called a trust responsibility, for Indian health care. We spend twice as much per person as a country to provide health care for Federal prisoners as we do for Native Americans for whom we have a trust responsibility. They get half the support we provide to Federal prisoners for health care.

Talk to the Indian Health Service. They will not give you this number willingly, but talk to them long enough and they will tell you, finally, that 40 percent of the health care needs of Native Americans living on Indian reservations is unmet. That is health care rationing.

Now, let me describe, if I might, just the consequences of that rationing, perhaps, by telling you of some real people. We had a tribal chairman who testified before our committee who said: On our reservation it is widely known, don't get sick after June first, because after June first, there is no more contract health money. And if you get sick after June first and show up at a hospital, and your problem is not ''life or limb,'' then you're not going to be treated, you're not going to be paid for.

So let me describe some of these things.

An 80-year-old American Indian elder, a diabetic, living on an Indian reservation, fell while tending to her garden, and she broke her leg in two places. The break was so severe there was a bone sticking out of her ankle. She went to the hospital. She was sent home with painkillers. She went to a second hospital and was told the condition was not priority 1—not priority 1: which is ''life or limb''—and therefore she was not able to get care at the second hospital. She went to the third hospital—limped in—and finally received some care at the third hospital, with a bone protruding from her leg.

Now, what is ''life or limb''? That is under what is called contract care. It means that if your life is not at stake, or the loss of an arm or leg is not at stake, you do not get the contract care. So don't get sick after June.

Another American Indian with diabetes called in for a prescription drug refill for insulin, and he was told he needed to come back in and get some blood work done before he could get the insulin. It was 2 weeks before they could get him in for his blood work, so he was without insulin for 2 full weeks. As a result, this is an American Indian who will likely require dialysis for the rest of his life because he could not get his prescription for insulin filled on time.

Or a woman named Lida Bearstail. Lida told me it was all right to use her name. She went to a clinic because of knee pain. Her condition was one in which the cartilage had worn away, so it was bone on bone, enormously painful for Lida. Bones in her knee were rubbing against each other with great discomfort and great personal pain.

When that happens to one of us, to our families, to the people who work here, what is the response? You get a knee replacement—surgery, and replace the knee.

Well, what happened to Lida Bearstail? Well, she still limps. She has trouble walking. Perhaps soon she will not be able to walk. Knee surgery is not in her future because this is not about ''life or limb,'' it is just about unbearable, agonizing pain. Again, denied, not a priority, not ''life or limb.''

Ardel Hale Baker told me I could use her story as well. A couple of months ago she had very serious chest pain and she thought she was perhaps having a heart attack. Her blood pressure was very high. Her chest pain was very intense. It wouldn't quit. So she went to the Indian Health Service clinic. She was diagnosed as having a heart attack, and she needed to be sent immediately to the nearest major hospital. And they said: You have to go in an ambulance.

Well, Ardel Hale Baker said, while she was having this heart attack: Is there a chance I could go to the hospital in something other than an ambulance, some method other than taking an ambulance?

They asked her: Why?

She said: Well, I'm going to get billed for the ambulance, and I don't have any money.

If you are not ''priority 1,'' you may end up paying the bill. Your credit rating is ruined. American Indian after American Indian discovers that: You are not a priority. Your credit rating is gone. And the credit companies come after you.

In the middle of her heart attack, she asked the question: Is there some other method besides an ambulance? Why? Because of cost.

Anyway, she arrived at the hospital. And let me tell you what happened at the hospital with Ardel Hale Baker. The nursing staff was lifting her off the gurney from the ambulance and putting her on a hospital bed, and as they lifted her off the gurney, they found something taped to her leg. This woman was having a heart attack, and they found a piece of paper taped to her leg. And here is what the paper said. It said her name: ''Hale, Ardel.''

And then it said:

> You have received outpatient medical services. This letter is to inform you your priority 1 care cannot be paid for due to funding issues.

So a woman is hauled into a hospital on a gurney with a heart attack and a paper attached to her leg saying: ''This will not be paid for.'' This kind of thing is unbelievable, and it is going on in this country with respect to American Indians for whom we have a trust responsibility for health care, and those needs are not being met.

As I indicated, Senator MCCAIN and I have worked long and hard on this legislation, only to find roadblocks every—every—part of the way. The Health and Human Services agency, the Justice Department, virtually every agency continues to raise roadblocks even today.

I have come to the floor many times in this session of the Congress to talk about a young girl named Avis Littlewind. She is also a part of this legislation. Avis Littlewind was 14 years old when she killed herself. It does not sound good to say that. That is what happened to her. She laid 90 days in a bed in a fetal position, missing school, severely depressed. Then she took her life.

Avis Littlewind was a teenager, 14 years old, who apparently felt things were so hopeless, she was so helpless, that she should take her life. Her sister had taken her life 2 years prior.

Now, I went to that reservation. I met with the tribal chairman, I met with the tribal council, I met with Avis's schoolmates, I met with the relatives, to try to understand what causes this. And it is not just Avis Littlewind. It is not just this young girl. There has been a cluster of suicides, teenage suicides, on these reservations, and none of us really want to talk about it. But if we don't, we will not be able to address it.

Senator MCCAIN and I held some hearings on this subject. The Indian Health Care Improvement Act begins to address this, as it is addressed in some other legislation that we have moved as well.

But my point is this, there are so many challenges. Do you want to go to a place where you can find 5,000 people and one dentist working in a trailer house? Do you want to see that sort of thing? Do you want to go to health clinics that are not open at key times during the day, and long lines when they are open? Do you want to go to places where the rate of diabetes is not double, triple, quadruple, but 12 times the national average, and see the people who have lost their legs as a result of diabetes, see the people on renal dialysis? Do you want to talk to the people who drive 50, 100 miles or more to get renal dialysis?

The fact is, we have a bona fide crisis in health care on Indian reservations. We are not meeting that crisis. We have legislation that should have been passed in previous Congresses. Senator MCCAIN and I have done everything humanly possible to get a piece of legislation that would get cleared to pass this Congress, and I regret to tell you, despite all the good feelings on the floor of the Senate about what is being done, frankly, I think it is a disgrace that this legislation is not being done.

People are dying. There are young children who are not getting health care who are sick and need health care. There are elders with bones sticking out of their legs who are told health care is not available to them. There are women showing up on gurneys in hospitals with paper taped to their legs saying: ''This woman is not eligible for funding for health care.''

That ought to shame every American that it is happening. And we can do something about it by passing legislation called the Indian Health Care Improvement Act. We are not asking for everything here. We are just asking for the right thing.

Senator MCCAIN and I have worked for a long while, and if I sound frustrated, it is because this is not just some other piece of legislation. This will mean that some people will die because we have not fixed the health care system, and we have not addressed these needs. We should not have to be reminded of this. It is our responsibility. This trust responsibility for the health care for Native Americans belongs to us, and we ought not have to be expected to be reminded of it. We ought to come to the floor of the Senate and insist on it. Instead, month after month after month, we have had objections, yes, in this Congress, I should say. We have had holds on the legislation. We have had committees that have insisted they could not move on it. We have had agencies downtown. And for dozens of reasons, we now come to the last day of the U.S. Congress in this session, and no action, and no capability, it appears to be, of making progress. And I am deeply disappointed.

I will, of course, not give up. We will be back in January. We will start again. But this is deeply disappointing to me and to others who have relied on the good will of not just those in Congress but those downtown in the Federal agencies to understand there is a crisis. This is about health care. It is about ''life and limb.'' And when you have this kind of crisis, you have a responsibility to the children, to the elders, to others living on Indian reservations, some of whom live in Third World conditions. We should not be putting up with that. We should reach out a hand to say there is a lot of trouble in the world—and we reach out a hand to try to see if we can help in other parts of the world—there is plenty to do right here at home as well. I support reaching out to troubled spots of this world. But I believe we also have a first responsibility to reach out in this country to say to people who are living in abject and desperate poverty without health care that we are going to solve those problems, we are going to work with them.

I got interested in and involved in these issues a long time ago when I saw a picture in a paper of a young girl named Tamara. Tamara was a 3-year-old American Indian girl living on an Indian reservation, and she was placed in a foster care home. The woman who placed her in the foster care home was handling 150 cases—150 cases. She did not have the time or the capability to check what kind of home they were putting this 3-year-old girl in. The result was, they put that girl in an unsafe home.

On a Saturday night, in a drunken party, a 3-year-old girl named Tamara had her nose broken, her arm broken, and her hair pulled out by the roots—at a drunken party in a foster home that no one had checked. This 3-year-old girl suffered scars that will be with her the rest of her life.

The fact is, we understand that some of these things are happening, and we have a responsibility to do something about it. I did something about that. There is nobody on that reservation handling that many cases anymore. No social worker can do that. What that child suffered was our responsibility.

So I got involved because I saw what was going on some long while ago. And the more I have worked on these issues, the greater I see the need for us to do the right thing. Senator MCCAIN feels exactly the same way, and we have worked as hard as we can work on a bipartisan basis in the Indian Affairs Committee, with the Republicans and Democrats on that committee, believing that health care is a priority, and that our responsibility to reauthorize the Indian Health Care Improvement Act is a primary responsibility.

And, again, I regret that we come to the last day of the session and find a circumstance where it is not going to be passed.

It takes no skill to oppose. I think it was Mark Twain who was once asked if he would engage in a debate, and he said: Of course, I would be happy to engage in the debate, as long as I can take the opposing view.

They said: We haven't told you the subject of the debate.

He said: It doesn't matter what the subject is. Taking the opposing view will require no preparation.

That is how it is in this Chamber. It is how it is downtown in the agencies. It is the easiest thing in the world to oppose. It takes no preparation at all.

We come to the end of this session with enough having opposed progress on the Indian Health Care Improvement Act that this will not be done in this session of Congress. There will still be hope because we will turn to it again in January. My hope is those who have borne the responsibility of stopping this important piece of legislation will understand the consequences and decide to help us rather than hinder us as we try again in the next session of Congress.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ISAKSON). Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 4047

Mr. DEMINT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 664, S. 4047. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid on the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, reserving the right to object, we have a number of objections on our side. On behalf of at least five Members in this caucus, I will be constrained to object, and I do object.

The PRESIDING OFFICER. Objection is heard.

The Senator from South Carolina.

Mr. DEMINT. Mr. President, I would like to speak a moment on the bill, if I may.

The Maritime Transportation Security Act requires the Transportation Security Agency to develop a biometric security card for port workers that would be used to limit access to sensitive areas within a seaport. To satisfy this law, TSA is developing a transportation worker identification credential—we call it TWIC—card. The law requires that the Secretary issue this card to an individual requesting it, unless he determines that the individual poses a terrorism security risk or if they have been convicted of treason, terrorism, sedition, or espionage.

To fulfill this requirement of the Maritime Transportation Security Act, the Department of Homeland Security has drafted regulations that bar certain criminals from receiving these transportation worker identification credentials. Specifically, the Department of Homeland Security proposed regulations that would permanently bar from our ports criminals convicted of espionage, sedition, treason, terrorism, crimes involving transportation security, improper transport of hazardous material, unlawful use of an explosive device, murder, violations of the RICO Act where one of the above crimes is a predicate act, and conspiracy to commit any of these crimes.

It would also bar recent felons, those convicted within the last 7 years, or incarcerated in the last 5 years, from working in secure areas of U.S. ports, if they have been convicted of any of these felonies: assault with intent to murder, kidnaping or hostage taking, rape or aggravated sexual abuse, unlawful use of a firearm, extortion, fraud, bribery, smuggling, immigration violations, racketeering, robbery, drug dealing, arson, or conspiracy to commit any of these crimes.

These proposed regulations were developed in consultation and coordination with the Departments of Justice and Transportation to identify individuals who have a propensity to engage in unlawful activity, activity that places our ports at risk. Further, these regulations are nearly identical to the regulations that govern those who have access to our airports and who are involved with transporting hazardous material in the United States. These prohibitions are crucial because individuals who engage in the type of unlawful activity described in the proposed regulations have a greater likelihood to engage in activity that puts American ports at risk.

Our law enforcement officials understand this risk. They understand the threat our ports face with traditional crimes, particularly organized crimes, when they work with terrorists. For example, just recently the FBI apprehended a member of the Russian mafia attempting to sell missiles to an FBI agent he thought was acting as a middleman for terrorists. Joseph Billy, Jr., the FBI's top counterterrorism official, recently commented that the FBI ''is continuing to look at a nexus'' between organized crime and terrorists, and that they ''are looking at this very aggressively.''

The threat is not only criminals working directly with terrorists, it is criminals looking the other way when a suspect container comes through the port. Joseph King, a former Customs Service agent and now a professor at the John Jay College of Criminal Justice, outlined the concern very clearly:

> It's an invitation to smuggling of all kinds. Instead of bringing in 50 kilograms of heroin, what would stop them from bringing in five kilograms of plutonium?

A criminal in one of our ports may think he is just helping his buddies smuggle in drugs, but inadvertently he may be helping to smuggle a weapon of mass destruction into the United States.

Earlier this year I offered an amendment to address this threat and ensure that serious felons are kept out of our ports. My amendment would have codified in statute the proposed regulations. The amendment passed unanimously and was included in the Senate-passed version of the Safe Port Act. Unfortunately, behind closed doors in the conference committee this amendment was almost completely gutted. The bill went from having language which prohibited 20 serious felonies that put our ports at risk to a list of just four—felonies so rare as to make the conference report language meaningless. I was extremely dismayed to see this language was stripped. I cannot understand who would oppose language that would ban serious felons from secure areas in American ports.

The ranking member of the Commerce Committee, the Senator from Hawaii, has stated in the CONGRESSIONAL RECORD that he supported the original DeMint language. I understand the chairman of the Commerce Committee, the Senator from Alaska, also supported the DeMint language. I am at a bit of a loss to conclude who in the Senate opposed this strong homeland security provision. Today the Senator from North Dakota said several of his colleagues did, but we don't know who they are.

While there does not seem to be a Senator who is willing to admit to opposing the provision, the longshoremen's labor union is more than happy to take credit for gutting the provision. Last month the International Longshore and Warehouse Union, in their newsletter, claimed credit for killing the provision. They stated:

> Congress will return after the election in a ''lame duck'' session and work through part of November and December. We have heard rumors that Senator DeMint is particularly angry with the [union's] successful lobbying effort to strip his anti-labor provision. He may attempt to amend another piece of legislation, so the union will stay on guard to protect its members' interests.

Apparently they have, as we have seen today by the objection to this very commonsense measure. The unions are not stopping at just fighting legislation that I am proposing here to keep serious felons out of our port workforce. They are gearing up to mount a legal battle against the proposed regulations as well.

In response to a Wall Street Journal editorial on the subject, the union stated that the proposed regulations were ''double jeopardy'' and ''unconstitutional.'' This is a clear indication that they have a legal challenge in mind. It seems clear now that once the regulations become final, they are going to take the Department of Homeland Security to court and that the proposed regulations are going to be bogged down in lengthy legal battles likely for years.

The consequence will be that as we continue to fight this global war on terror, America's ports will be staffed by serious felons. Some may be tempted to come to the defense of the longshoremen with various so-called concerns: These individuals have paid their debt to society; barring these individuals is going to gut our port workforce; or that the crimes listed are somehow not related to homeland security.

These concerns are plain wrong. I don't disagree that convicted felons should be given a second chance. I hope they get back on their feet and become productive members of their communities. What I don't agree with is that we should give them a pass, literally and figuratively, to access the most secure areas of America's port infrastructure. When they are fresh out of prison, we should not trust them with the most vulnerable areas of our ports.

Second, I have heard that barring these individuals will empty the ranks of the port workforce. The facts don't bear this out. When the Department of Homeland Security issued nearly 350,000 ID cards for HAZMAT truck-drivers and subjected them to the same background check as I propose putting in the law, only 3,100 were disapproved, less than 1 percent. The workforce in the United States is elastic enough that we can pick up the few thousand longshoremen jobs opening up because the criminals in the port workforce had to be fired.

Finally, some are maintaining these are not serious crimes. I want someone to come down here and tell me which individuals he wants working at his local port—murderers, extortionists, drug dealers, arsonists, document forgers? I want to hear the rationale for stopping this important bill.

The list that the Transportation Security Agency came up with is a list of serious felons who represent a serious threat. It is going to keep these dangerous criminals out of our ports.

The bottom line is this: This bill applies nearly the same protections to seaports that already applies to our airports. It is a regime that has been successful. It will make our ports safer by keeping individuals who have shown a willingness to break the law out of our ports. This is very important. We can spend all the money in our treasury trying to screen cargo, and we have appropriated or approved a whole lot of money to secure our ports. But if we don't screen the people who work at our ports, we cannot expect to have effective port security. It is very unfortunate today that my Democratic colleague has taken this commonsense provision and objected to its consideration.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DEMINT. That is a good thing because I had finished my talk.

I yield the floor.

The PRESIDING OFFICER (Mr. DEMINT). The Senator from Ohio is recognized for 30 minutes.

Mr. DEWINE. I thank the Chair.

HONORING OUR ARMED FORCES

CAPTAIN SHAWN ENGLISH

Mr. DEWINE. Mr. President, I rise today to pay tribute to a brave soldier who died while serving his country in Iraq. On December 3, 2006, Army CPT Shawn English was killed when his humvee struck a roadside bomb. Captain English, who served as an Army deep sea diver, was based in Panama City Beach, FL, but news of his death reverberated in his hometown of New Albany, OH. Captain English leaves behind his wife Tricia and three sons, Nathan, Noah, and Austin. Captain English was 35 years old.

Shawn spent nearly his entire adult life in the military—first as an enlisted soldier and later as a commissioned officer. He grew up in New Albany. As a boy, he raised 4–H sheep and played football for New Albany High School, where he graduated in 1990. Shawn joined the military when he was 18 and went on to attend college at Wright State University, receiving his degree in 1999.

Shawn joined the Army after high school and by the time he deployed to the war in Iraq, he was already an experienced combat veteran. He had served his country bravely years before in the gulf war in an armored cavalry unit. He later joined a Ranger battalion before becoming a diver.

Shawn's middle school teacher Debbie Smith says that he was always energetic and a delight to have in the classroom—that he was a student with a wonderful personality. He simply loved to learn. ''He was dedicated to defending our country,'' Debbie remembers, ''and particularly making sure that children were safe.''

Those closest to Shawn remember him as a family man. ''He was a very loving father and a wonderful brother,'' said his sister Dawn. ''I received an e-mail from him at around noon on the Saturday before he died,'' said his brother-in-law, Todd. ''It was in response to the pictures of the Buckeyes game that I sent him. He was very short (in the e-mail), but said that he was tired and that things were really intense. He asked that I pray for him.''

Shawn's father-in-law Curt expressed his grief at learning the news of Shawn's death. ''It's just so hard for us to comprehend,'' he said. ''We're heartbroken. I could not—do not—love my own sons more than I loved that man. He was such a good man. He believed in his country and had a deep faith in God.''

Shawn was in Iraq to train and lead Iraqi soldiers. He had been in-country since February 2006. As his brother-in-law said:

> Shawn had the option to come home, but said he had an obligation to his men and wanted to finish what he started. . . . He

told me that when he came back that this was it. He had served 15 years and was going to look at other options to be closer with his family.

When they moved to Florida, Shawn and his wife Tricia quickly became active members of the community there. They belonged to the Woodlawn United Methodist Church, and Shawn coached youth soccer.

Shawn was able to return home to Florida on a short leave, during which he visited his son Nathan's elementary school class. During that visit, he discussed his deeply held beliefs about our country.

Shawn's father-in-law explained that ''he stressed to [the students] how fortunate we are to be living in America, with the freedoms we have.'' In that meeting, Shawn talked about his work in Iraq and told the kids how much little things, like soccer balls, meant to the children in Iraq. The class collected soccer balls to send to the Iraqi children so that, like Shawn, they, too, could help make a positive difference in the country.

Shawn's friends loved him. Captain Nathan Surrey, one of Shawn's best friends, met him when they were both involved in Army management training in Missouri. In Captain Surrey's words:

> We just clicked. We were fanatical Ohio State fans. We loved sports [and liked to talk about] our ideas on life. Our personalities were the same.

Captain Surrey also remembers what an excellent soldier Shawn was. Reflecting upon his friend's courage and dedication, he said that ''you have to be in phenomenal physical shape and be pretty much fearless to be able [to be] anywhere in the world, any time.'' Echoing that sentiment, CPT Robert Newbauer, who served with Shawn for 6 years, said that ''anything he did, or set forth to do, he was full of pride and passion.''

Shawn was a dedicated soldier, but most importantly, he was a loving husband and father. His mother-in-law, Bev Daily, remembers how much his children meant to him. ''Those kids idolized their dad,'' she said.

Shawn's family was able to see him one last time—just hours before his tragic and untimely death—when they spoke over video phone. In that conversation, Shawn joked and laughed with his sons. His family was grateful for this last opportunity to speak with him.

Shawn's life impacted so many people in so many ways. His family and friends will always remember his smile and strong sense of compassion. He served his country with courage and honor and pride—and for that, he will always be remembered.

My wife Fran and I continue to keep CPT Shawn English's family and friends in our thoughts and in our prayers.

SPECIALIST MARCO MILLER

Mr. President, I rise today to pay tribute to a brave and dedicated soldier—Army Specialist Marco Miller, originally from Warren, OH. Just this past weekend, Specialist Miller was on guard duty in Baghdad, when a nearby military vehicle was hit by a mortar round. Specialist Miller was wounded by the resulting shrapnel and was transferred to a military hospital in Germany. On December 5, 2006, surrounded by family members, Marco died from his wounds. According to his mother Renee Daniels, the Army has awarded him the Purple Heart and will be promoting him to Sergeant in recognition of his bravery. Marco was 36 years old.

Marco's sister remembers that her brother loved to be active. He enjoyed sports and spent a lot of time working out in the gym. Though a star athlete in high school, he also had a passion for the arts. His mother remembers him as someone who had a lot of heart. ''I am very proud of him,'' she said. ''Very, very proud.''

Marco grew up in Warren and graduated from Warren G. Harding High School in 1988, where he played baseball for the Panthers and was a running back for the football team. A serious student in high school, he always tried harder than anyone else. He attended the University of Akron and the University of Central Florida. An entrepreneur, Marco wanted to retire early, so that he could live ''the good life.''

Marco's close friend since before kindergarten, Mahar Hameed, said they had been playing football together since they were 8 years old. Marco was a tailback, and Mahar was a fullback. ''I blocked for Marco for 10 years,'' he recalls. Even though Marco had moved to Florida, the two friends kept in touch throughout their adulthood. Mahar saw Marco as he was preparing to leave for Iraq. ''I wouldn't say he was nervous,'' he said. ''[Rather,] he just knew he had an obligation to fulfill. That's the kind of person Marco was. . . . I can only say he was one of the best people I ever knew.''

Frank Thomas, Marco's high school football coach, remembers that Marco was extremely personable and had an infectious smile. He always worked to the best of his ability and took his goals seriously. As Coach Thomas put it, ''He represented his country and family well.''

On an Internet posting, one of Marco's former schoolmates remembers him as his guardian angel in school since 7th grade, even though they haven't seen each other in over 12 years. ''We drifted in and out of each other's orbits through junior high and high school,'' he wrote. ''I can't tell you how many times he magically appeared when I was in need of some support.''

Marco moved to Florida in 1994, with his younger brother Demond. ''We went to Florida with nothing,'' he recalled. ''Marco was building a business.'' After graduating from Full Sail, a media arts college in Orlando, Marco put together a production company which did audio-visual work, commercials, and other marketing tools for Disney and Universal Theme Parks, as well as local car and motorcycle clubs. Marco was also putting together DVDs for his Army buddies, and was hoping to combine his two careers in the future.

Marco's oldest sister remembers her brother's extraordinary sense of fun. ''The last time he was home,'' she said, ''he made sure he went to Cedar Point, so he could ride all of the rides [and] not just once. He loved the roller coasters. He loved sports cars, jet skis, and anything that was fast.''

Marco's love of adventure was one of the things that made him decide to be a paratrooper when he joined the Army. Although this was his first tour in Iraq, he had served in the area during the first gulf war. His mother said that she wanted the public to know that Marco was a good son and a dedicated soldier. ''He was proud to be in the military,'' she said.

Marco served in the military for nearly a dozen years—6 while on active duty in the early 1990s, and the last 5 as an Army Reservist. He enlisted in the Reserves after the terrorist attacks of September 11, 2001.

According to his mom:

> Marco knew what he was doing. He volunteered to be in the military. He was considering signing up for another six-year term.

Tamia Michelle, Marco's daughter, was born just this past August, after he had been deployed to Iraq. Tragically, he was never able to meet her. Marco's sister Kim noted that Marco ''was looking forward to being a father. He looked forward to doing all of the things that a father does with a daughter.''

This has been a hard year for Marco's family. The last time they were all together was for the funeral of Marco's stepfather Anthony Daniels just this past May. Marco was helping his mother cope with the loss.

Marco's family does take some solace in knowing that he died doing what he wanted to be doing what he loved doing. They will always remember his patriotism and devotion to duty. As his brother said:

> Marco lived a full life. He did everything he wanted. He traveled from the East Coast to the West and back. . . . He really lived up to his potential and lived life the way he wanted to do. He just felt that if he was going to serve his country, this was the best way for him to do it.

My wife Fran and I will keep the family of Marco Miller—his daughter Tamia Michelle, his mother Renee, his sisters Meka and Kim, his brothers Demond and Christoff, and his stepsister Carrie—in our thoughts and prayers.

STAFF SERGEANT SHAMUS O. GOARE

Mr. President, I rise today to pay tribute to Army SSG Shamus Goare from Danville, OH, who was killed on June 28, 2005, when his helicopter was shot down over Afghanistan. He was serving as the MH–47/Chinook flight engineer in the 3rd Battalion, 160th Special Operations Aviation Regiment,

based out of Hunter Army Airfield in Georgia. He was 29 years old. He leaves parents Judy and Charles and his brother Kortney.

Shamus graduated from Danville High School in Knox County in 1994. He became a flight engineer because he loved math, science, and engineering—and he excelled at all three. Shamus's father described his son as ''a real quiet guy, but when he said something, you knew you really had to pay attention.'' His friends and family knew him to be pretty quiet unless he was talking about something he loved—such as cars and the military.

On August 1, 2005, Shamus would have celebrated 11 years in the Army as a special operations engineer. Being a member of the 160th Special Ops Aviation Regiment (Airborne) that flew Blackhawks and Chinooks, meant that Shamus took on very dangerous missions. On a special operations mission that would become his last, the Night Stalkers of the 160th were attempting to rescue Navy Seals who went missing in mountains near the Pakistani border.

Shortly before his death, Shamus had received a medal of valor for humanitarian work in Afghanistan. He was working with children, which was something his father said he loved. His eagerness to serve his community and his country was apparent when Shamus managed to trick his mother into signing the enlistment forms before he had even graduated from high school. He was 17, at the time, and according to his father, he thought ''he'd get to see the world before he went to college.''

Life in the military was a good fit for Shamus. It led him to a series of selfless and compassionate acts of heroism, many of which, he could not divulge to his family due to the nature of his work with the 160th's Night Stalkers. And true to their motto, Shamus never quit—even to the very end.

His father said that ''Shamus really believed in what he was doing. He would always say if we don't fight over there, we'll have to fight ere.'' His dedication to his duty would not allow him to tell his family where he was or what he was doing, but that didn't stop him from talking about home and what he would do when he got back to the United States.

One of his many hobbies was to drive around in his all-terrain vehicle. He would talk about his restoration project of a 1966 Buick Skylark a classic car that needed a new engine. Shamus also like to find time to restore old computers.

A quick study, he was mostly self-taught. His father recalls that ''nobody told him how to do things—he just figured it out.'' Even in high school, his 40 classmates could see Shamus's analytical mind at work.

On a field trip to Wright Patterson Air Force Base near Dayton with his high school physics teacher, recalls seeing Shamus' mind at work. ''He was calculating the estimated time of arrival to see how it matched up to the teacher's time.''

Another of Shamus's high school classmates, Missy Duncan, remembers being shocked when she found out that he had enlisted. ''He was just so quiet,'' she said.

Stephanie Fritz, another classmate, said this about her friend:

> We knew he was out of the country for the last two reunions, but we didn't know that he had done four tours over there. We're really proud of him. He was just the nicest person.

Missy and Stephanie were among the many students who paid tribute to the heroism of their fallen classmate by placing a flag display on the front lawn of Danville High School. A former history teacher of Shamus', Jim Holmes, first came up with the idea for the flag display. He talked about the display this way:

> What Shamus said about us fighting over there, so we wouldn't have to fight over here, really touched me. I thought of all the men and women giving their lives so we can be free. I just thought it would be nice if we do something to [pay tribute] to them.

Helping to place the eight dozen flags that the American Legion and the local cemetery association donated, Missy said this, ''Though we are all doing different things now, it's nice that we can still come together as classmates and honor one of our own.''

Among Shamus's family members who came together to watch the flag display were his cousins Kim, Marsha, and Keith. Kim said that ''It's so nice to see them come together and do something like this for Shamus.'' The pride and honor that they felt as the Danville High School alumni placed their flags in front of their school reminded the family of how Shamus had found his niche in life when he joined the military. Marsha recalled that ''when Shamus would come home, he would stand so tall and so proud.''

In the words of U.S. Army Chaplain Father Jim McNeely, as he remarked on Shamus's heroism:

> There are two very important qualities necessary to be a hero—humility and self-sacrifice. The life of Shamus Goare embodies those two virtues, and that's why he is a hero. He was an unassuming young man. He did not seek fame and fortune. He didn't require his name to be spread in headlines, nor did he demand recognition for his achievements. His greatness lies in his quiet professionalism and love for others that drew him to military service. To him, doing his duty with excellence was satisfaction. And Shamus's duty as a soldier was to serve.

And now, it is our duty to remember and to honor Army Staff Sergeant Goare. My wife Fran and I continue to keep his family in our thoughts and prayers.

SERGEANT BRADLEY HARPER

Mr. President, this afternoon I wish to honor Marine SGT Bradley Harper, a native of Dresden, OH. Sergeant Harper was killed in Iraq on August 3, 2005, in a roadside bombing. The 25 years old sergeant was a communications specialist assigned to the Marine Reserve's 4th Assault Amphibian Battalion, 4th Marine Division, based out of Norfolk, VA. He is survived by his wife Kendra, his parents Steve and Janet Harper, his sister Jenny, and his brother Daniel.

Brad—as family and friends called him—grew up in Dresden, where he attended Tri-Valley High School. Brad's friends and classmates remember him as an all-around good guy who was very well liked.

According to Kyle Powell, a former classmate:

> There isn't one bad thing anyone could say about Brad Harper. Everybody knew him and everybody liked him. He always had a smile on his face. He always laughed. He was never in a bad mood.

Kim Waaland, athletic director at Tri-Valley Local Schools, remembers Brad from when he played on the offensive line for the school football team. He said:

> He was a solid young man. [He was] a good friend and a good teammate. He made the most of his ability. He could always be counted on. He always wanted to do the right thing.

He also remembers that Brad was always interested in learning more or doing more to make the team better. He was not surprised when he learned that Brad had decided to become a marine.

Brad joined the Marines Corps Reserves as a teenager in Ohio and then went on to earn a degree in criminal justice from Zane State College. Tom Holdren, a criminal justice instructor at Zane State, said this about Brad:

> I had a number of conversations with Brad while he was at school here. He often talked about wanting to be on the right side. He wanted to fix the things that were wrong in the world. I am sure he had a brilliant career ahead of him [and that] he served with honor. He was just that kind of young man.

After earning his degree, Brad moved to Virginia Beach in January 2004 to become a police officer. At the police academy, he graduated second in his class, and his peers selected him to serve as sergeant-at-arms. This was the beginning of a career dedicated to serving and protecting others.

Rene Ball, a Virginia Beach Police Department spokesperson, describes Brad this way:

> [He was a stellar candidate. He was superb in the academy. He was one of those guys who, if another recruit fell behind, he'd go back and make sure that they were all right. Everyone on the force thought he was a great guy.

Those who worked with Brad remember him as an upbeat, eager policeman. Master Officer Harry McBrien was one of Brad's instructors during his time at the Police Academy. He said that Brad was often relied on to work with the recruits who were struggling. And, when the Academy staff tried to ''stress him out a little bit,'' Master Officer McBrien remembers that Brad ''just smiled'' and kept going. He said the following about Officer Harper: Brad was an awesome guy who could handle anything. He was always smiling, had a great mood, and a positive

attitude. He was a role model for everyone else in the Academy.

Brad was upbeat before being deployed to Iraq. In an interview with The Virginian-Pilot, Brad said that ''this is my chance to go, to do my part.''

Brad's devotion to military service impressed everyone with whom he came into contact. Nick Beach, a fellow marine and friend, said that Brad was always an inspiration—someone who joined the Marines and decided to serve his country because of his caring heart. Nick said:

I think the reason there were so many junior Marines who looked up to Brad is because he was a true Marine. He led from the front and never let anyone fall behind. He would go back and give them a hand and bring them back up to the front.

Brad was dedicated to his marines and his job as a police officer, but he was also devoted to his family and friends. He loved his wife Kendra, whom Brad met while she was studying at Ohio University in Zanesville. According to Brad's sister Jenny, ''Kendra was his world.'' They would have been celebrating their third wedding anniversary 2 weeks after Brad's death. After his passing, Kendra released the following statement about her husband:

In the eyes of those who knew and loved Brad, he is a real hero. He gave 100 percent in whatever assignment he undertook. He was proud to be a Marine and considered it an honor serving as an officer for the City of Virginia Beach 2nd Precinct Oceanfront. He will live on forever in our hearts.

Jason McBride met Brad while they were both in grade school. The two boys grew up together and both played football in high school. Jason was the best man in Brad's wedding, and there was no man better than Brad Harper in Jason's mind. While Brad was in Iraq, Jason heard from him about every 2 weeks through email. Jason received an email from Brad shortly before his death. Jason said that he was looking forward to coming home they could go out to a Buckeyes football game.

Jason said:

Brad was the best friend any guy could ever have. He would always go out of his way to help you. He'll always be my best friend and nothing will ever change that.

Brad's dedication to military service will never be forgotten. In the words of his sister:

Brad's bravery and courage, like all the others before him, will never be forgotten. He was a high achiever. Anything he ever wanted to do, he tried, and he achieved. He wanted to serve his country. He wanted to be a marine. He wanted to be a police officer. He had high hopes, and he wanted to go far.

Indeed, everyone who knew Brad misses him. Virginia Beach police officers memorialized his death by ''draping the badge''—a traditional show of honor and brotherhood by police who place a black swath across their shields when a fellow officer is killed.

At Brad's funeral, MG David Bice said that Brad Harper ''changed the world before our very eyes.'' Indeed he did.

Fran and I continue to keep the family of Marine SGT Bradley Harper in our thoughts and in our prayers.

STAFF SERGEANT CURTIS A. MITCHELL

Mr. President, I rise this afternoon to pay tribute to Army SSG Curtis Mitchell from McConnelsville, OH, who was killed on December 12, 2005, when an improvised explosive device exploded near the tank that he was commanding. He was 36 hours away from ending his second tour in Iraq while serving with the 3rd Squadron, 7th U.S. Cavalry, Company C, based at Fort Stewart, GA. He was 28 years old.

Staff Sergeant Mitchell leaves his wife Frances, his son Curtis, Jr., his stepsons Eric, Sean, and Alexander, his stepdaughter Keauna, his parents Edward and Regina, his brothers Charlie, Edward, Wayne, and William, his sisters Angie, Betsy and Regina, and his grandfather Buddy Cunningham.

Friends and family lovingly referred to Curtis as ''Tony.'' He was born in Columbus and moved with his father and mother, just after kindergarten, to Malta, OH, in Morgan County, about 80 miles southeast of Columbus. He was a member of the Future Farmers of America at Morgan High School and went straight into the Army when he graduated in 1995.

Brian Smith of Los Angeles, CA, went to high school with Tony. He paid tribute to his road trip and FFA camp friend by saying:

He was a great guy, and I, for one, will be forever grateful for his service to America.

Martha Koon of Reynoldsburg, OH, describes her high school friend by also saying:

Curtis was a great guy. [He was] like a brother to me in high school. We shared a lot of fun times. He will be greatly missed.

Three of the Mitchell boys joined the military. Tony and Edward—known to family and friends as ''Jimmy''—enlisted as marines, and William entered the Air Force. Charles said:

I worried more about Jimmy, but figured he was okay because Tony was with him.

Being stationed together, Tony and Jimmy were patrolling with the same unit in Iraq when the IED exploded that took Tony's life.

Tony Mitchell liked hunting, target shooting, fishing, playing video games, and anything at all that had to do with his children. He was a big Ohio State and Notre Dame football fan, but hadn't told his family which team he was rooting for in the 2005 Fiesta Bowl.

Tony's brother William graduated from Air Force basic training on December 9, 2005—a week before his brother's passing. He said Tony's death hasn't softened his decision to join the military. William said that ''I'm going to do what my brother would have wanted me to do,'' which, was to stay in the military and serve his country.

William posted the following message to his late brother on an online tribute site. This is what he wrote:

You are my big brother, and I miss you. I just know that you are watching Jimmy and me in our military career. I think about you all the time and how you inspired me to join the Air Force, because you thought about joining, but you went to the Army. I will never forget how much you loved your job, and it makes me love mine [even] more.

Tony was one of the first servicemembers to enter Baghdad at the start of the war and was part of the operation that killed Saddam Hussein's sons. His fellow soldiers knew him as a great leader, a great fighter, and a great man. He received a Bronze Star and a Purple Heart and was one of the most ''squared-away'' soldiers in his unit, according to SSG Travis Wiley, a Company C member, who served with Tony during his first tour in Iraq.

Staff Sergeant Wiley said:

Tony always knew what needed to be done. All he'd say was ''I got it,'' and you knew the mission would be complete. He took care of everyone else. He was a joyful guy. He didn't want to see anyone mad. He'd get mad, but only for about two or three minutes.

Tony served in Bosnia, Kosovo, and Somalia, along with the two tours in Iraq. Tony planned on spending the rest of his career with the Army. He had recently signed an extension contract. Tony had been stationed for a few years at Fort Stewart, GA, where he lived with his wife of 1 year, Frances. Tony loved his family, was a good husband, and adored his young son Curtis, Jr.

Ronda Mitchell, Tony's sister, said that her brother ''was a wonderful dad, son, brother, and uncle. He was always nice to people. I loved him because he was a good brother to me. He was funny and good to get along with.''

Lora Thayer of Rolla, MO, paid tribute to her high school with the following message:

My heart grieves for the loss of such a wonderful and kind person. I graduated with Tony in 1995 and was a friend of his through youth group. My heart hurts, and I will never forget the wonderful person he was to all of us. He will be remembered, not just for his valiant death, but for the man he eventually became. He truly was the kind of person to put others before himself. He is a . . . hero, and I will never forget him.

No one will forget Army SSG Curtis ''Tony'' Mitchell. My wife Fran and I continue to keep his family and friends in our thoughts and prayers.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALEXANDER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, I would also like to make another unanimous consent request that my colleague to the east from Tennessee, Senator ALEXANDER, be recognized for 15 minutes after Senator DURBIN, who will follow time.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIMBER TAX ACT

Mrs. LINCOLN. Mr. President, we are here at the end of a session, a 2-year session where many of us have worked very hard to try to come up with commonsense solutions for some age-old problems in our Nation and looking for commonsense solutions to new and different challenges that our Nation and its business leaders as well as workers face as our business models change and grow and the more complicated nature of how businesses are set up changes and grows. We have worked hard this year—I certainly have for my State—to look at how we can balance those things and how we can create a good environment for all of the good, solid, responsible corporate citizens who exist out there in this great Nation who are trying desperately to present the kind of good jobs, the good-paying jobs working Americans need to stay where they are, to live in the communities in which they grew up, and to provide for not just their children but their aging parents.

So I think as we come to the close of this session, we have all kind of gotten into a hustle and a bustle, much like any holiday season brings, where we tend to get a little overexcited about some things, yet we don't stay focused enough on what it is we really need to be doing. The working families of this country need us right now. They need us to be responsible. They need us to focus on the things that will be productive for them, productive for this country, and the companies that are working hard to produce and maintain jobs in many of our States across this great land in order to make sure that those working families can stay working, that their children can stay in school and that their future for higher education is there, and that these families can stay together and care for their aging loved ones.

So I come to the Chamber to speak about a subject which I believe is immediate and serious or certainly has immediate and serious consequences to the working people of my State. I am talking about the hemorrhaging of jobs in the forest products industry particularly.

Here to my side is really an outdated map because we have seen the loss of well over 700 jobs since June of this year in the forest products industry. But in any case, there has been a tremendous amount of loss in employee layoffs, closed saw mills and paper mills in this country. I think it really, if you take a look at this, drastically shows the hemorrhaging that is occurring and what it means to good, hard-working American families across this country.

Over the last year and a half, the State of Arkansas has lost 1,800 timber manufacturing jobs. These are good jobs. They are negotiated union jobs. They are located in our small rural towns. They are the jobs which are the foundation of these families, these American families who are the fabric of our country, whom we come to the floor every day, day in and day out, to talk about.

But it doesn't end there. For every highly skilled, highly paid plant job that is lost, another job is lost out in the forest—not just these which are represented here but jobs including truckdrivers and foresters, the cafe along the way that supports that industry, and those people who are out working in the forest—the loggers, all of those different entities. That means about 3,600 families are not having a very merry holiday this year.

In fact, we have lost over 1,000 jobs in just the last 10 days alone. But it is going to get worse. If the Congress does not do something here, with the opportunity that has been presented to us—many of us have been working on this issue over the last 8 to 10 months. But here in the close of this session and this week, we have an opportunity to do something, to help stop the loss of these manufacturing jobs out of our country to places such as South America and Asia. I am talking about enacting the Timber Tax Act which we have talked about over this past year.

For many months, the Timber Tax Act has consistently and repeatedly been included as part of the extenders packages we talked about. For example, it was included in the Senate conferees' agreement in the pension bill, in the Reid extenders amendment, and in the Baucus extenders amendment. The bill has broad bipartisan support, with over 33 cosponsors from every part of the country. That should come as no amazement to any of us when you look at this map and realize that it is not just one region of our country that is suffering, but it is many parts of our country that are suffering.

Additionally, this provision provides relief to the entire industry across the board, from the smallest woodlot owner to some of our largest, oldest forest companies. Over 9.9 million individual tree owners will receive immediate and significant regular and minimum tax relief.

Unfortunately, we have found some concern about whether we need competition or greater competition in this industry. We come to this floor every day talking about how competition makes our Nation stronger. We talk about how competition can help us grow, not just as individuals, not just as companies, not just as a nation, but as a part of the global community. I believe that. I believe competition is a good thing. If it is done in a fair way and if people are given the opportunity to show what they are made of and to get out there and do the job they believe they are capable of doing and really compete, working together to compete in a global marketplace, I think everyone is a winner. But when we keep in artificial stopgaps or actually keep away opportunities and continue to keep an artificial circumstance which stymies the kind of competition that can make us strong, we all end up being losers. I think that is a lot of what has occurred here. I think it is extremely shortsighted and it opens all of our similarly situated companies—all of them, whether it is the forest products industry, which has multiple different types of entities, or any of our entities—it situates them and puts them up against unbelievable scrutiny and criticism.

The timber tax provision is sound tax policy. Over the past several years, forest products companies have been under intense pressure to reduce their Federal taxes by either reorganizing as a nontaxpaying entity, or to sell their timberlands, whether they sell them to pension funds or to timber management organizations—wherever they may go to offload that part of their industry. But I want us to think a little bit more about that. We talk about being shortsighted. Think about what that means to the conservation of this country. You look at the small, family-owned timber companies that exist out there that are fighting and trying hard to keep their heads above water in an industry and in circumstances where they are put at a disadvantage. Who is most likely to be a good steward of the land? Who is most likely to go in and reforest? It is the third- or fourth-generation small business owner, the small family-owned timber company that is going to go in and take good care to be a good steward of this land. Those are the most likely ones.

Let's not put them at a disadvantage because then, all of a sudden, all of our timberland, particularly the family-owned timber company, is going to be owned by big groups, and all they want to do is go in and cut and then sell off to developers. Let's make sure we have diversity in this industry; a good, diverse, competitive industry that looks at all sides of what we are trying to protect here: family jobs, the environment, the landscape of many of our small rural States. It is very important.

As the integrated companies separate their mills from their plants and from their timber, there are obvious results: plant closures and job loss, not to mention what happens with that family-owned business that is such a good steward in the conservation of the land.

As a result of this sort of artificial, short-term tax-driven pressure, the amount of U.S. timberland held by integrated forest products companies has fallen from 50 million acres to 15 million acres. Think about that. I want my colleagues to think, when you take those kinds of lands out and put them under a bigger umbrella where nobody is going to really be able to come in and say you can't come in and clearcut that and sell it to a developer or whatever, they are more likely to wave their hand, do it, and go on.

But when you have a small family-owned business that has been there for generations, they are so much less likely to do any of that. They are going

to go back in, and with a great sense of pride and respect as well as confidence that this is going to continue to be a small family-owned business, they are going to reforest and they are going to reinvest in that forest product and that timber company.

By enacting the timber tax provision, Congress will forestall a further decline, and we will allow forest products companies to make their decisions based exclusively on sound business principles—not looking at what they have been backed into a corner to do in order to simply keep their business or to simply keep one piece of their business. They will lay off the jobs, they will break up the integrated company, and they will move on because it is easier and because it keeps them alive—as opposed to making good, sound, principled business decisions.

Without its passage, I fear the State of Arkansas will see further immediate closures and loss of jobs. I plead with my colleagues, we cannot lose this opportunity. We cannot lose this opportunity to take something that we have looked at and talked about and developed over the last 10 or so months. We have seen it in other packages, and we know how productive it can be. I hope the majority of this body will join me in seeking a collaborative effort to make sure that we do not see even what the current map would look like if this one were updated, or to think of what it may look like 5 or 10 years from now, with the incredible loss of jobs in timberland and our family-owned timber businesses. It would be devastating.

I thank my colleagues for their attention to this issue. I plead with them on behalf of the people of Arkansas, those unbelievably hard-working families who live in those rural communities, who know our forests and know how to take good care of them: Please let us work to keep those jobs and to keep those businesses going in order that we can not only save those jobs but save a way of life in parts of rural America, as well as making sure that we have the best interests of our forest lands at heart, private forests and others. I think we have a great opportunity to do it, and I hope we will act on that.

TRIBUTE TO J.B. HUNT

Mrs. LINCOLN. Mr. President, I come to the floor today, joining my colleague Senator PRYOR, as we pay tribute to the life of one of Arkansas's business and philanthropic giants: Mr. J.B. Hunt. The billion dollar trucking company that J.B. Hunt built can only by characterized as the very personification of the American dream, and the only thing more impressive than the trucking empire he has created is the life he led and the journey he took to get there.

I am so grateful to have known this wonderful man and to have called him my friend. From the moment you met J.B. Hunt, you knew he was not your typical business mogul. He was much more. He was much like all of these hardworking Arkansans whom I reflect on this map.

J.B. Hunt's formal education ended when he dropped out of school at 12 years of age when, similar to many people of the Great Depression and that generation, he had to find employment to help his family survive. That is what we are talking about, we are talking about American families who are working hard to reach that dream. Here is a man who did.

Every time I was able to be around J.B. Hunt, I always knew he never forgot that challenging period of his life, and its impact helped shape the character of the man who would put in the hard work and long hours to get the job done right. When I first heard the news of his passing, I reflect on our first meeting. He asked about me, came up to me, and he said: Now, BLANCHE, who are your people anyhow? Of course that meant, Who are your relatives? Who are your parents? Where do you come from?

He immediately recalled that he had come to know my father from the time he spent personally hauling rice loads across the State of Arkansas. Mr. Hunt reminisced that those were back in the days when he had just one truck. And I thought then that not only was J.B. Hunt a man who was proud of what his company had become, but he appreciated the time and the hard work that had been required to get there. He knew more than just where his trucks traveled, he knew the people along the way. Although J.B. Hunt is considerably larger today—any of our colleagues who travel across the interstates will see a J.B. Hunt truck from Lowell, AK,—Mr. Hunt himself never changed who he was as an individual. His dedication reached well beyond his company to many philanthropic efforts that continue to greatly benefit our State of Arkansas.

True to form, J.B. Hunt dedicated much more than millions of dollars—he dedicated considerable amounts of his time. Until his death, he remained a man who was willing to put in the hard work and the long hours to do the job right—and Arkansas is a far better place as a result.

I am certainly grateful to have had his friendship and to pay tribute to the life he led so well. My thoughts and prayers and my deepest sympathies are with his family at this very difficult time, and my gratitude goes out to Mr. Hunt, who truly exemplified that it is not just the view at the top, it is truly the journey that gets you there that is worth more than anything that you could get in return.

I yield the floor for my colleague, Senator PRYOR, from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I wish to talk about the two same subject matters that the senior Senator from Arkansas talked about, in that order. I do want to talk about J.B. Hunt, but first I want to talk about the timber tax.

Before I do, I ask unanimous consent for Senator DEWINE to have 1 hour to finish his remarks, after the conclusion of the remarks of the junior Senator from Tennessee, who I understand is the last speaker in this sequence this evening.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, let me notify the staff, Senator DEWINE said he would certainly be flexible, if someone needed some time and needed to maybe cut in a little bit. He was certainly willing to work with whoever wanted to do that, but he did ask we seek unanimous consent for 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE TIMBER TAX

Mr. PRYOR. Mr. President, if I may, let me talk about this timber tax issue. Clearly, forests provide a lot of jobs for many people all over this country. For Arkansas, those jobs are very important to our State's economy. But also one thing that we often forget is these forests are extremely good for our environment. They absorb carbon dioxide, they clean waterways, they provide natural habitat for all kinds of species out there, and they help keep an ecological balance in our country.

One of the great developments that has occurred in the last generation is that this country and the people in the timber industry have become much better, much more adept at managing the forests in a very good, long-term business way but also in a great way for the Nation's environment. In fact, when you look at Arkansas, the timber industry has done such a good job there that it is now the No. 2 manufacturing industry in the State.

I know that is the same in other States. There are many States that have very large timber industries, but we oftentimes take it for granted. I am looking around this room and seeing all the wood products. I am reading on one now and using one as a file folder and speaking behind one and standing on one. Often we take that for granted, but the wood products industry is very important for this country. In fact, you could say it helped build this country.

Unfortunately, now the forestry industry, the wood products industry's health is in jeopardy. They have two major problems. No. 1, with globalization, they have a lot of foreign competition. The folks I talk to in the industry, they will understand that. They are ready to meet that challenge. They understand it is a new day and it is very competitive. They are getting a lot of pressure from places such as Canada and rain forest timber and materials that are coming out of Asia and Russia, and they understand that. They are willing to fight that fight if the playing field is leveled.

But the other problem is internal. It is not from foreign competitors, it is, frankly, from the Government and it is the Tax Code and how the Tax Code works within the industry. If I can give one example, last week there was an announcement in Mountain Pine, AR. Now Mountain Pine only has about 772 people who live in the community, but there is a mill there that makes plywood. That mill just announced it is closing.

Senator LINCOLN mentioned this a few moments ago. That mill has 340 jobs. That one employer in that town of 772 hires 340 people and employs them. It is closed. It is gone. Certainly, I hope at some point in the future the community can rally and find another use for that facility. Maybe they can get someone else in the wood products industry in. Who knows. But that is a symptom of what is going on because the owner of that facility is on the wrong side of the Tax Code.

We talked about the timber tax. We have a fix that we proposed. Senator LINCOLN and many others worked very hard to try to get this done. But because they are on the wrong side of the Tax Code, they are having to close plants. Frankly, it is causing a huge strain on their bottom line.

One of the things I need to do when I am on that subject is to thank Senators DOLE, HUTCHISON, and CORNYN, who have been very helpful in cosponsoring a bill that we think will help solve this problem.

Price Waterhouse Coopers & Lybrand, in April of 2005, wrote a report, and they found that the U.S. corporate forestry tax burden is the second highest compared to seven major competitor nations. Analysis showed that the tax burden of the U.S. forestry industry is a full 16 percentage points higher than the median of their competitor nations. We understand that in this country we have more responsible foresting, we understand we have stricter environmental regulations, and we also understand that our tax burden may be a little bit higher here and there. But the unfortunate thing going on here is it is disproportional within the industry depending on how the company is organized.

Here is what I mean. If a company is a C corporation, it is taxed one way. If it is a REIT, it is taxed another way. That means the folks that are REITs have a big tax advantage over the traditional companies. This has a disproportionately difficult effect on small companies, the family-owned businesses in places such as Arkansas and Louisiana and the State of Washington and in other places where you have a lot of family-owned timber businesses, because they don't have the resources to recalibrate themselves in the form of REITs. It doesn't make sense for their business.

What has happened, given our Tax Code, is basically the Federal Government says: Look, if you want to stay in the business, you have to organize yourself in a certain way. That is not fair.

What is happening all around this country is that these timber companies are making business decisions based on the Tax Code. We have seen this happen. We know businesses are going to adapt to the conditions they have, and one of those conditions is the Tax Code. They are always going to adjust and adapt according to that. But when they start to make decisions such as this which are so dramatic and alter their business models so much, bad things are going to happen eventually.

If you look at the real estate bubble which burst back in the 1980s, a lot of those deals in the early 1980s which were done in the real estate market were done for tax reasons. They did not make any sense in the business world, but they made a heck of a lot of sense under the Tax Code. Finally, when the Congress got around to closing some of those loopholes and simplifying the Tax Code, the bubble burst.

My concern with the forestry industry is that someday when we reconcile these problems, it is going to be too late for a lot of these companies, especially the small family-owned businesses.

This is not strictly an Arkansas problem. The latest employment figures I have from my State are that the industry employs about 43,000 people, with an annual payroll of $1.3 billion. That is a lot of money. That is a big part of our State's economy. However, if you look around the country, they employ about 2 million workers, with an annual payroll of $51 billion. This is not just a local problem in the State of Arkansas. Both Senators from Arkansas are here talking about it, but it is a problem for the whole country and the Nation's economy.

I ask my colleagues to support a better timber tax policy. We want a tax policy that is fair, that restores competitiveness, that provides job security for hundreds of communities and families, that benefits the environment, and which is really the best thing for the country as well as for the industry.

JOHNNIE BRYAN HUNT, ''J.B.''

Mr. PRYOR. Mr. President, Johnnie Bryan Hunt died a couple of days ago in Arkansas. I just spoke with his wife a few moments ago. As always, she was delightful, and she was very upbeat and very positive and really appreciated all the prayers and all the well-wishes she has received from Arkansas and from around the country over the last couple of days.

Yesterday, we lost a great American and a great Arkansan and a great example to us all. Johnnie Bryan Hunt was born in Cleburne County, AK, in 1927 during the Great Depression. He left school at the age of 12 and went to work for his uncle in the sawmill. We were just talking about the timber industry in our State. He went to work for his uncle in the sawmill just to help the family get by, as many Americans did back in those days.

He served in the U.S. Army.

During his early career, he was a farmer, he was a lumber salesman, he was an auctioneer, and a truckdriver. Then he invented his own business. It was called a rice hull business. He got the rice hulls over in the eastern part of the State and trucked them over to the western part of the State to make ''poultry bedding,'' as he called it, out of the rice hulls. That venture did not work out exactly the way he wanted it to.

His first trucking company, which he formed as part of that and shortly thereafter, failed. He lost about $19,000 in that first venture. But like many Americans, J.B. Hunt didn't quit. He went back to the drawing board. He kept working. He knew he had the ability. He knew he had the gift of problem-solving.

A few years later, he founded the trucking company which today is the largest publicly held truckload transportation company in North America, J.B. Hunt Trucking. Even though he started with 5 trucks and 7 trailers, today he has over 16,000 employees, 11,000 trucks, and 47,000 trailers and containers. He did this with hard work, he did this with a lot of dedication and with a lot of focus.

But one thing they say about J.B. Hunt the man and the company he founded is they are smart. They use technology, they are very innovative, and they work very hard to get on the cutting edge of that industry. In fact, J.B. Hunt is really a poster child for the American success story. We know that through hard work and opportunity, things can happen for you in this country. And he is proof that can happen in a very big way.

During the course of his life, he was director of the American Trucking Association, the American Studies Institute Advisory Board, the Intermodal Transportation Institute, which he was innovative in, the University of Arkansas Campaign for the 21st Century, and the Northwest Arkansas Business Council. In addition to those boards and those industry groups on which he served, he also was extremely giving with his resources. Two of his favorite charities are the Arkansas Easter Seals and the March of Dimes.

I know he will be sorely missed in his hometown of Lowell.

People always associated Arkansas with J.B. Hunt the man and the trucking company because he really did put it on the map. He came to northwest Arkansas and ended up in northwest Arkansas before this period of exceptional growth started there. These two counties up in the northern corner of our State are two of the fastest growing counties in America. The companies that are there are companies such as Wal-Mart, Tyson Foods, J.B. Hunt, and, of course, the University of Arkansas is in that corner of the State as well.

People ask me: Is there something in the water up there? What is it about this little area of your State? Is it the great quality of life? It is the great work ethic? Yes and yes. More than anything, it is about great leadership, and J.B. Hunt was part of that great leadership. He was on the team of men and women who moved their communities forward and in many ways not only changed those communities but changed the State and changed the world.

I join Arkansans and Americans in offering my condolences and prayers to J.B. Hunt's family and his friends, including his wife Johnelle and their children Jane and Bryan.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, while both of my distinguished colleagues from Arkansas are on the Senate floor, let me tell them how much I appreciate their leadership in dealing with this last item of business relative to this Congress and which is particularly important in my home State of Texas, as it is in other timber-growing regions of the United States.

As we find ourselves in global competition for jobs and work, there are certain things we need to keep our eyes on to help make America more competitive and to make sure we continue to create the jobs and opportunities which have always been the key to our prosperity. Of course, the present occupant of the chair knows that having a qualified workforce is one of the key elements of our ability to compete in a global economy, as is our tax policy and our health care system, which is a factor in the ability of American businesses to be competitive, our regulatory environment, and our civil justice or litigation system.

I wish to focus specifically on our tax policy. The fact is that in many industries our tax policy in this country makes certain aspects of our economy less than competitive. Certainly that is true when it applies to the timber tax issue.

The timber tax provision I am speaking about would lower the capital gains tax for owners of timberland, both individuals and corporate owners, but mainly it is small business community members and farmers. The great thing about this is we are not talking about a tax increase on anybody; we are talking about reducing the tax on this element of our economy, of our workforce, mainly small business owners and farmers, to help make them more competitive in a global economy.

It was my sincere hope that this provision would be included with the so-called tax extenders package that I hope is ultimately passed by the Senate today or tomorrow, but, as the Senators from Arkansas have already pointed out, I know we are all disappointed that it has not been included. I think that is a shame. My hope is that, having left this work undone, Congress, when we return in January, will take up this issue again and attempt to pass it.

The U.S. forestry industry and its workers are at the heart of a vibrant economy that has produced the highest living standards in the world. As the jobs report released just today indicates, job creation continues apace across this big economy here at home. But there are sectors of the economy that are struggling because of the disadvantages they have, particularly with regard to our tax policy. The forest products industry and its workers, including those in Texas and across America, are facing significant challenges which, if not overcome, will lead to reduced economic growth, lost jobs, and ultimately the decline of living standards for future generations.

Although job growth continues here at home, as we saw by today's report, it is important to highlight that American paper mills and wood product mills are permanently closing their doors, resulting in a loss of those good-paying jobs. At the same time, our foreign competitors, facing generally lower taxes, are expanding their capacity.

As has already been pointed out by the senior Senator from Arkansas, the Price Waterhouse Coopers & Lybrand report in April of 2005 examined the effect of the U.S. tax system and found that our tax rules consistently disadvantage U.S. companies and workers relative to the tax rules in most nations with which we have to compete. By reducing the cost disadvantage faced by practicing sustainable forestry here in United States, this proposal can help reverse the trend of decreasing U.S. competitiveness in the forest products industry and maintain those manufacturing jobs of U.S. workers.

Simply put, this proposal is about creating more good-paying jobs here at home, not by conferring any additional benefits on our American employers and job creators but by reducing the impediments and the obstacles that Government puts in the way to job creation and competition in the global economy.

I wish to especially express my appreciation to Senator LINCOLN, the senior Senator from Arkansas, for her strong advocacy for this issue. I look forward to working with her in our next Congress to try to do everything we can to remedy this wrong and to help make America and particularly the forest products industry more competitive in a global economy.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CORNYN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, the Senator from Illinois had the next 15 minutes. I don't see him. I was to follow him, but to conserve time I will go ahead and take my 15 minutes now and then ask unanimous consent he be allowed to follow me when he arrives.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL COMPETITIVE INVESTMENT ACT

Mr. ALEXANDER. Mr. President, I salute the Senators from Arkansas and Texas on their comments about the timber tax. That is not my subject today, although I intend to talk about competitiveness, jobs, but this is something we do need to pay attention to, not just for the jobs but for conservation in our country. That was mentioned eloquently by Senator LINCOLN.

I was in Waverly, TN, in Humphreys County the other day, and people are very upset because the timber company—I guess partly because of the Tax Code—has sold thousands of acres to an organization that doesn't care anything about the forest. That organization is cutting all the trees and going about their way. The people in that county, for a long time, have enjoyed having that forest properly managed—not just the jobs; they like the jobs, as well, but they like the trees.

What we may be doing in an unanticipated way is having a tremendous negative impact upon the beauty and the forests of the United States by our tax policy even though we don't intend to do that. I am glad the Senators from Texas and Arkansas and others are interested in this issue. I would like to work with them in the new Congress to try to be of some help.

I am here today to suggest, especially to my colleagues on the other side of the aisle who will be in the majority starting next month, that we, all of us together, have a remarkable opportunity to start the new year with a truly bipartisan piece of legislation critical to the future of the United States.

Our new majority leader, who will be Senator REID, has said he would like to foster a more bipartisan atmosphere as the Senate begins its work next year. So would I. So would most Members. The best bipartisan bill I know that is ready for action in the Senate is the bill that Senator REID and Senator FRIST are cosponsors of, the National Competitiveness Investment Act.

At the end of September, our two leaders, Senator FRIST and Senator REID, the Republican and Democratic leaders, introduced this bipartisan competitiveness bill. It has the support of the chairmen and the ranking members of the Energy, Commerce, and HELP Committees and, in fact, was created by those three committees. It wasn't written by the Republicans and handed to the Democrats for approval. We wrote it together. We have worked on it for 18 months. The product is here

and ready for action. I had hoped we would be able to complete our work on this legislation before the end of the year. However, because of our current schedule, we can't.

January is just around the corner, and it will be an opportune moment because the bill is so bipartisan there is no reason in the world that it can't be chalked up as an early victory for a new bipartisan Senate.

Senator BINGAMAN has worked as hard on it as Senator DOMENICI. Senator INOUYE has worked as hard on it as Senator STEVENS. Senator KENNEDY has worked as hard on it as Senator ENZI. So has Senator MIKULSKI, and so has Senator HUTCHISON. In other words, this is our product. It is ready for action.

The prospects of passing a significant piece of legislation to protect America's brain power advantage in the world are also strong in the House of Representatives. My friend and colleague, BART GORDON from Tennessee, is likely to become the new chairman of the House Science Committee. When Senator DOMENICI and Senator BINGAMAN and I and many others introduced the Augustine Report, the report of the National Academy of Sciences that detailed 20 steps we should take as a country in order to keep our brain power advantage, Congressman BART GORDON in the House of Representatives put his legislation in at the same time. He is strongly committed to this agenda, has worked as hard as anyone in the Congress, and we have all been working together for some time.

The incoming Speaker, Congresswoman PELOSI, laid out an agenda on this issue that drew heavily on the National Academies' ''Gathering Storm'' report, the Augustine Report I described. She even brought George Lucas to Washington to tout her agenda and told President Bush this is an area where the two parties can work together.

President Bush himself has been a leader in this area, which is enormously helpful since the President is the Nation's agenda setter. In his State of the Union Address, President Bush talked importantly about our competitive position in the world. He has seen the need for it as a President. He saw it before that as a Governor. He followed up his action with money. He put his money where his mouth was and he put significant new dollars in the budget this year to fund his American Competitiveness Initiative.

The President says: Let's do it. The House of Representatives says: Let's do it. We in the Senate have worked 18 months. At one point, we had 70 cosponsors of our competitiveness legislation: 35 Democrats, 35 Republicans. A good way to welcome the new year would be to pass the bill. We ought to be able to do it before the February recess.

This bill is about growing our economy. It is about creating the largest number of good new jobs we possibly can. It is about recognizing we are very fortunate as a country to have just 4 to 5 percent of the people in the world, nearly 25, 26, 27 percent of all the money in the world, and that the principal factor in that has been our creative brain power advantage.

But China and India and maybe other parts of the world have realized that their brains work just like ours—sometimes they are even smarter than ours—and they are working hard to make sure that they get their share of the wealth.

This legislation is a progrowth investment that we must make if America is to set the pace in science and technology for the next generation.

In August, a group of Senators met with a number of Chinese leaders in Beijing, including the President of China, Hu Jintao, and the Chairman of the National People's Congress in China, Wu Bangguo. Just 2 months earlier, President Hu had gone to the Chinese Academy of Sciences and the Chinese Academy of Engineering to outline a 15-year plan to make China a technology leader.

In his speech, President Hu said China must ''promote a huge leap forward of science and technology; we shall put strengthening independent innovation capability at the core of economic structure adjustment.''

We all know that when a Chinese leader talks about a great ''leap forward'' it is a pretty big deal in China. This was the center of their economic policy. In our conversations with the top two leaders in China, we found when we talked about North Korea or Iran or Iraq, the area in which they were most animated was this whole idea of innovation and technology.

The Science section in the New York Times this Tuesday has a column entitled ''With An Improved Particle Accelerator China Sees Golden Opportunity For Collaborative Research.'' China knows if it wants a larger share of the world's wealth, it needs to have a brain power advantage. That should remind us of the importance of keeping ours.

We have seen the same thing in India, in a trip by Senators to Bangalore last year, their version of our Silicon Valley, we saw that their research is cutting edge. They are creating new jobs. They understand how to improve the standard of living in the people of that great country.

The challenge facing America is about brain power and jobs. We are not about to fall over the cliff. Actually, in the last 10 years our share of the world's wealth has grown, according to the International Monetary Fund. Ten years ago we had 25 percent of all the gross domestic product in the world. Last year it was 28 percent. Yet we know we need to keep on our toes to keep our jobs.

Most of this good fortune comes from that brain power advantage an educated workforce and technological innovation. We have the finest system of colleges and universities. That system attracts 500,000 foreign students today. Many of them are the brightest young people in the world. They are here creating good new jobs that improves our standard of living.

No country has the national research laboratories we have. We have won the most Nobel Prizes in science. We have registered the most patents. Such innovation has been responsible for as much as half of the Nation's growth in productivity—in plain English, the reason we have such a disproportionate share of the world's best paying jobs.

Yet we see what is happening—not just in China and India, but also in Finland, Singapore, Ireland, and more. They understand this, too, and are working hard to catch up, get ahead, and get their share.

That is why last year Senator BINGAMAN and I, with Senator DOMENICI's encouragement, walked down to the National Academy of Sciences not far from here and asked: What are the top 10 actions, in priority order, that Federal policymakers could take over the next decade to help the United States keep our advantage in science and technology? We figured Members of Congress probably weren't the right ones to make that list. So we asked the people who should know.

They, in turn, assembled an all-star panel of business, government, and university leaders, headed by Norm Augustine, former chairman and CEO of Lockheed Martin. The group included three Nobel Prize winners. It happened to include the President of Texas A&M who is now about to be the Secretary of Defense. We asked for 10 recommendations. They gave us 20, in priority order.

Then a bipartisan group of Senators, led by Senators BINGAMAN and DOMENICI, introduced what we call the Protecting America's Competitive Edge Act, or PACE, to implement those recommendations.

This included increasing Federal funding for basic research in the physical sciences by 10 percent a year for 10 years; doubling our investment in basic research as we recently did for medical research; providing 25,000 undergraduate scholarships and 5,000 graduate fellowships for future scientists; allowing foreign students who come here to earn a Ph.D. in the sciences to stay 1 year after graduation, and, if they find employment, to become automatically eligible for a green card; recruiting 10,000 new science and math teachers with 4-year scholarships; training 50,000 current teachers in summer institutes at national labs and universities; creating a new coordinating office to manage a centralized research infrastructure fund of at least $500 million per year; giving American companies a bigger research and development tax credit so they will keep more good jobs here instead of moving them overseas.

As I mentioned earlier, our bill, the PACE bill, attracted 70 cosponsors: 35

Republicans, 35 Democrats. There was no other piece of legislation quite so popular that was that important in this session of Congress. We made a lot of progress since we introduced that legislation.

I mention the President's State of the Union Address and the $5.9 billion in his budget for fiscal year 2007 for his American Competitiveness Initiative. In March, the Energy and Natural Resources Committee reported a bill with eight provisions related to energy research, as well as math and science education for students and teachers in association with the national labs. In May, the Commerce Committee reported a bill that included ideas not just from the Augustine Report but also from the excellent Council on Competitiveness and from the President's own proposals. Then the immigration bill that passed the Senate in May included three provisions to attract the brightest minds in our country. They drew from the Augustine Report. Then the Defense authorization bill that passed the Senate in June included a provision related to support for early career researchers funded by the Pentagon. The so-called tax extender bill, which has been held up, includes the research and development tax credit that was the cornerstone of both the Augustine Report and the President's initiative. It appears likely to pass before the end of this week.

Then, at the end of September, just before the Congress left town for the election, a bipartisan group of 14 Senators, led by Senator FRIST and Senator REID, our Republican and Democratic leaders, introduced the National Competitiveness Investment Act, a bill that will help America keep its brainpower advantage so we can succeed in a more competitive global economy.

The bill includes provisions from the bills that passed the Energy and Commerce Committees and adds an important education component that Senator ENZI and Senator KENNEDY took the lead on. It focuses on the areas that are important to maintaining and improving U.S. innovation in the 21st century. One, it increases research investment; two, it strengthens educational opportunities in science, technology engineering, and mathematics from elementary through graduate school.

Several sections in the bill are derived from proposals in the PACE Act, which I introduced earlier this year with Senators DOMENICI, BINGAMAN, and MIKULSKI. This is a critical effort. We face what has been called a new ''flat'' world where more and more countries can compete with us, and we must rise to the challenge.

That is why this bill would double funding for the National Science Foundation from approximately $5.6 billion in fiscal year 2006 to $11.2 billion in 2011. It sets the Department of Energy's Office of Science on a track to double its funding over 10 years, increasing from $3.6 billion in fiscal year 2006 to over $5.2 billion in fiscal year 2011.

It would strengthen the skills of thousands of math and science teachers by establishing training and education programs at summer institutes hosted at the national laboratories and by increasing support for the Teacher Institutes for the 21st Century program at the National Science Foundation.

It would expand the Robert Noyce Teacher Scholarship Program at the National Science Foundation to recruit and train individuals to become math and science teachers.

It would assist States in establishing or expanding statewide specialty schools in math and science that students from across the States would be eligible to attend. Tennessee wants to do that, as they already do in North Carolina and in other States.

It would expand advanced placement and international baccalaureate programs by increasing the number of teachers who are prepared to teach these math, science, and foreign language programs. This would allow thousands of new students, who are bright enough but may come from families with low incomes, to take these outstanding college prep classes.

The Frist-Reid bill would provide grants to universities to establish programs modeled on the successful UTeach program at the University of Texas—which the current Presiding Officer knows a great deal about—where students getting a bachelor's degree in math or science can concurrently earn teaching credentials and become the new generation of math and science teachers.

And finally, it creates partnerships between national laboratories and local high-need schools to establish centers of excellence in math and science education.

The bill authorizes $20.3 billion in new spending over 5 years. This is a significant savings over what was originally reported by the committee and what was originally included in the PACE bill.

About $4.6 billion over 5 years in authorized funding has been cut from competitiveness bills passed by the Energy and Commerce Committees. Our friends in the White House should appreciate that, and the taxpayers will as well.

The bill avoided duplicative undergraduate scholarship programs that were proposed in earlier legislation. That was a priority of many Members of the House of Representatives. It reduced the cost of a number of other proposed and existing programs.

In the end, this is a small price to pay to secure our competitive edge. I would emphasize, this is a pro-growth investment. This creates jobs. This puts money in our pockets. That is what we are talking about when we are talking about keeping our brainpower advantage.

The potential for what this legislation could do for our country was illustrated in the community of Oak Ridge, TN, just this week. Oak Ridge is the home of one of the Department of Energy's national laboratories—the most important energy laboratory in the world, as a matter of fact.

Three students from Oak Ridge High School—Scott Molony, Steven Arcangeli, and Scott Horton this Monday won the team prize in the National Siemens Competition, which recognizes and rewards students willing to challenge themselves through scientific research. This is not a small honor. The winners will share a $100,000 scholarship as encouragement to continue in math and science careers in the future. Education Secretary Margaret Spellings was on hand to present the award.

The students used supercomputers to analyze tens of thousands of genes so they could figure out how to engineer biofuel production by micro-organisms.

Because of the hard work and ingenuity of these three students, their project may one day provide a tool that could enable scientists to genetically engineer bacteria that would cost-effectively turn plant matter into bioethanol used to fuel automobiles. Their project has contributed to a growing body of research on creating micro-organisms that can produce alternative fuels. In fact, the Oak Ridge National Laboratory received a major grant to continue the research that this student project began.

Part of the reason these three students succeeded is they were able to connect with the work and expertise at the Oak Ridge National Laboratory. Their lead adviser, Dr. Nagiza F. Samatova, is a senior research scientist in the Computational Biology Institute, Computer Science and Mathematics Division, at the Oak Ridge National Laboratory.

The National Competitiveness Investment Act will give more young Americans across our country the opportunity these bright students have had. The bill provides for student internships and summer programs at national laboratories such as Oak Ridge across this country. The bill would allow more scientists such as Dr. Samatova to spend more of their time working with such bright students.

The Senate should act quickly, in January, on the National Competitiveness Investment Act. It should be a Reid-McConnell piece of legislation. It should have the support of every Member of the Senate. It would, I hope, be passed before the February recess and sent to the House of Representatives, where I know Congressman GORDON and Speaker PELOSI and Republicans and Democrats who care about this as much as we do will be coming up with their own version of competitiveness legislation.

This legislation would invest in basic scientific research and help educate the next generation of scientists. It would help us keep pace with other nations that are moving swiftly to overtake our scientific leadership. More

young people would have the opportunities these three students at Oak Ridge High School have had. There is broad bipartisan support.

I hope the new majority leader will make this one of his first initiatives in the Senate next year, just as he made it an important initiative toward the end of this session.

If America is to continue to be the global economic leader, we cannot afford to let this wait.

Thank you, Mr. President. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHIP SHORTFALL

Mr. DURBIN. Mr. President, it is an interesting time to close a congressional session. We are about to consider a major spending bill, hundreds of billions of dollars, and a major tax bill that will have an impact on millions of Americans and scores of interest groups and businesses. It is interesting to see what the priorities are in the closing moments. We know that there will be many groups, particularly among businesses, that will be benefited by this tax bill. But it is interesting to me that in the list of priorities, sadly, there is a group that we are ignoring. That group, of course, is the children of this country, the children who don't have health insurance.

Illinois started an ambitious program last year to make sure all kids in Illinois have health care insurance. It is surely the right thing to do. Most uninsured children with asthma never see a doctor until they are hospitalized with an acute attack. One study found that kids without health care are 25 percent more likely to miss school. Another found that one in five children without health coverage needed glasses to see the chalkboard, but they didn't have any.

It is certainly wise to give these children health insurance. One in four uninsured children uses the emergency room as their regular source of medical care. The Florida Healthy Kids Corporation reports that emergency room visits dropped 70 percent when uninsured children were given the opportunity to see a doctor in an office.

Illinois's All Kids Program is ambitious, and it is working. But we can't do it alone. In 1997, the Federal Government made its first downpayment on a program for States to help make sure children have access to health care. The State Children's Health Insurance Program, known as SCHIP, began when Congress and the White House agreed that children in America should be able to see a doctor when they are sick, when they need to buy glasses to see the chalkboard or when they need to be protected from infectious disease. Today, 9 years later, after the first Federal payments were delivered, 10 million children in America are without health insurance.

In Illinois, we are providing basic, bare-bones health care for 122,700 low-income children through the SCHIP program. The State has to match the Federal money, but we couldn't do it without the Federal help. This year the Federal payments will run out before the bills are paid. In fact, we are told the SCHIP payment will be 60 percent of what the Federal payment needs to be to maintain the current caseload, not to expand it and bring in more uninsured children, just to cover those children who, without SCHIP, would have no health insurance.

On Tuesday morning, the package that we are considering today included a bipartisan, no-cost provision to reallocate Federal SCHIP money so that Illinois and a dozen other States would be able to provide basic health insurance coverage for the kids already in the program. Twenty-four hours later, on Wednesday morning, after negotiations took place in the middle of the night, the SCHIP provision was gone. A lot of other things remained. There are still lots of tax provisions in there for special interest groups and businesses. Some of them are worthy. Some of them I support. But it is interesting that the first casualty of negotiation turned out to be 10 million uninsured children. They were left behind. Suddenly, low-income children in at least 11 States were dropped from this tax extender package. Merry Christmas from the United States Senate and the United States House of Representatives to these poor children who, because of our inaction and refusal to acknowledge the need for this program, have decided not to fund it.

Suddenly the rug was pulled out from under 73,620 low-income kids in my State. SCHIP payments to Illinois to take care of these kids will fall short by $150 million. We made a promise to help these kids 9 years ago. These kids are innocent children. All they are asking for is the basics—the chance to go to a doctor, a chance to get the shots they need so they can avoid serious illnesses, a chance to get the glasses they need to be good students in the classroom, just the basics. This Congress, in its efforts to adjourn, to go home and enjoy the holidays with our own children and our own families, has forgotten some kids across America who need help in the SCHIP program.

I urge my colleagues not to give up on this issue. When we start to debate this tax extender bill in the hours ahead, I hope all my colleagues from affected States will come to the floor and will call to the attention of every Member of the Senate and the House of Representatives how we have failed in meeting this priority.

I sincerely hope that if we are unable to restore these funds in these closing hours, that this will indeed be a high priority of the new Congress when it resumes its work in January of next year.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

THE IMPORTANCE OF SENATE RULES

Mr. REID. Mr. President, as the 109th Congress fades into memory and the 110th Congress comes into view, I want to say a few words about the importance of Senate rules. One of our finest accomplishments over the last 2 years was something that the Senate chose not to do. In May 2005, the Senate turned aside the so-called nuclear option and decided to preserve the rules of the Senate which allow for extended debate on judicial nominations.

Almost a century ago the Senate adopted rule XXII which formalized the principle of extended debate and established a balanced mechanism for limiting debate. The current version of rule XXII requires two-thirds of the Senate to cut off debate on any change in the rules and three-fifths of the Senate to cut off debate on any other question before the body. The nuclear option would have forced a change in this venerable Senate rule by the brute force of a simple majority vote.

The campaign to rewrite Senate rules was misguided from the start. It was a raw abuse of power fueled by a misreading of history. The Senate came dangerously close to adopting this plan. On the eve of the showdown vote, a courageous band of 14 Senators, 7 Democrats and 7 Republicans, came together to derail it. They agreed to vote as a block against the nuclear option in exchange for an up-or-down vote on a handful of disputed court of appeals nominees.

I feel very comfortable that had that vote occurred, this same result would have followed, but did I want to roll the dice on that? The answer is no. In the aftermath of that so-called Gang of 14 agreement, I was asked who won? I said the American people won. I am happy to report that commentators since then have also said that the American people won.

Had the nuclear option prevailed, it is almost certain that other valuable Senate traditions would soon have fallen to political expediency, raw power, simple majority vote, and we would have become another House of Representatives. Confirmation of a handful of controversial court of appeals nominees was a small price to pay for preserving the sanctity of the Senate rules for future generations.

The nuclear option was the most important issue I have worked on in my public life. Its rejection was my proudest moment as minority leader. I emerged from the episode with a renewed appreciation for the majesty of

Senate rules. As majority leader, I intend to run the Senate with respect for the rules and for the minority rights the rules protect.

The Senate was not established to be efficient. Sometimes the rules get in the way of efficiency. The Senate was established to make sure that minorities are protected. Majorities can always protect themselves, but minorities cannot. That is what the Senate is all about. For more than 200 years, the rules of the Senate have protected the American people, and rightfully so.

The need to muster 60 votes in order to terminate Senate debate naturally frustrates the majority and oftentimes the minority. I am sure it will frustrate me when I assume the office of majority leader in a few weeks. But I recognize this requirement is a tool that serves the long-term interest of the Senate and the American people and our country.

It is often said that the laws are ''the system of wise restraints that set men free.'' The same might be said of the Senate rules.

I will do my part as majority leader to foster respect for the rules and traditions of our great institution. I say on this floor that I love so much that I believe in the Golden Rule. I am going to treat my Republican colleagues the way that I expect to be treated. There is no ''I've got you,'' no get even. I am going to do everything I can to preserve the traditions and rules of this institution that I love.

The PRESIDING OFFICER. The Senator from Florida.

THE VALUE OF FREEDOM

Mr. MARTINEZ. Mr. President, later today we will be considering the Vietnamese proposal for permanent normalized trade relations. Before consideration of that issue, I wanted to take a few moments to discuss what I believe to be the beauty of freedom and the power that just one individual can have in personifying a truly transcendent value.

Recently I had the opportunity to come to know a young woman in Orlando, FL, a constituent of mine named Liz McCausland.

She contacted my office some months ago with a seemingly simple request. She wanted to see her mother. Her mother is Thuong Nguyen Foshee. She goes by ''Cuc.'' At the time of the request, Mrs. Foshee, a U.S. citizen, born in Vietnam, was sitting in a Vietnamese jail. She had been in that jail for some period of time and she had not been charged with a crime. She had not had the benefit of counsel. She had not been informed of the charges against her in any way, shape or form.

For several weeks immediately after her arrest, her family didn't even know where she was. This ordeal began in September 2005. She had no hope for due process. She had the need for some medical care and attention, and this went wanting for several weeks, if not months. She finally began to have contact with the U.S. consul, and it was a 20-minute visit once a month.

At the time of her arrest, Mrs. Foshee had gone to Vietnam, her native country, as a U.S. citizen to attend a nephew's wedding. The Vietnamese Government, at some point or another, finally said she was suspected of terrorist activity. The fact is that it should not come as a surprise that the Vietnamese Government was not fond of Mrs. Foshee because she was one of those people, whom I can certainly identify with, who believes it is the right of every person, no matter where they live, to elect their leaders—something as simple as what we did on November 7 in this country, which we take for granted. There are still people around the world who are denied such a right.

The Vietnamese people today cannot elect their leaders. Cuc Foshee believes that a Vietnam that is free to elect their leadership is a Vietnam that would respect also the rights of all of its people. So because she was someone who was vocal in the Vietnamese-American community and spoke freely of her hope and wishes for her native land, she actually became an obvious target to a government that felt threatened by the voice of a common citizen who believed she should speak out.

For that, Cuc Foshee and several other Americans, in fact, were arrested, interrogated, and sent to jail, without the knowledge of when or if they would ever be released or allowed to return to the United States. Many people went to work on this problem. Today, I thank our Secretary of State, Condoleezza Rice, for her interest in this matter, and I particularly thank U.S. Ambassador to Vietnam, Michael Marine, and the staff of the U.S. State Department, and others, whether in Vietnam or in the State Department here, who worked on her case. Volunteers came to help. The law firm of Holland & Knight offered their services pro bono. In addition to that, I particularly note and thank members of my staff who worked diligently and passionately to seek the release of Mrs. Foshee. Melissa Hernandez, in my office in Florida, and John Goetchius, here in Washington, worked hand-in-glove with Mrs. Foshee's daughter, Liz McCausland, and others, to see that Mrs. Foshee came safely back to the United States. She has been returned to the United States, and it has been a wonderful blessing to her family.

We recently celebrated, in Orlando, her return home. Congressman RIC KELLER was also there, my colleague, who also step-by-step was a partner for me in seeking the release of Mrs. Foshee.

So when the permanent normal trade relations between the U.S. and Vietnam came to be considered, I objected to the legislation being considered until I was confident that Mrs. Foshee would be able to receive the kind of due process that we expect as a matter of course, which she deserves under any observance of human rights, and until she would be back with her family in Orlando. That has now occurred.

Mrs. Foshee's freedom has allowed me to lift any objections to consideration of the PNTR status as it relates to Vietnam. While I will vote for that today, I must say that concerns remain. Vietnam's disregard for the rule of law is something that is not only troubling, but it will make normal trade relations difficult with free societies.

It would be good for the Government of Vietnam to understand that tolerance, as it relates to people's willingness to practice religion as they see fit, is important in order to join the family of nations in a full and complete way.

I appreciate the cooperation of the Government of Vietnam in allowing Mrs. Foshee to come back to America and be free. But I must suggest that, at the same time, it is hollow if it is only for Mrs. Foshee because of the pressure brought to bear her case. The right of people to freely speak, elect their leaders, and to live in a democratic system is the only way for the people of Vietnam to fulfill the promise that they have, to fulfill the promise that can come through normalized trade relations with the United States.

The people of Vietnam not only can have normal trade relations, they must live it. They will find that the rule of law will be a troubling matter if it is not observed. Whether it is foreign businesspeople traveling to Vietnam, whether it is the rule of law as it applies to contracts, it is a fundamental, essential, integral part of normal trade relations. Mrs. Foshee's hope was that others in Vietnam would have the opportunity to live in freedom such as she has tasted in America. I hope that day will come as well.

My career as a public servant has been irrevocably influenced by this experience. I believe I will never do anything greater than to have played a part in securing the freedom of one individual. I know what it means. I understand what it is like to live under oppression. I believe that all people, no matter where they are, are entitled to live with the dignity and the hope that comes from understanding that there is freedom and there are human rights that are observed.

Each of us owes a debt of gratitude to Mrs. Foshee for taking a stand for freedom and, in her own example, leading us to know that it has a value, even if at times a price must be paid for it.

REAUTHORIZING THE OFFICE OF NATIONAL DRUG CONTROL POLICY

Mr. MARTINEZ. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6344, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6344) to reauthorize the Office of National Drug Control Policy.

There being no objection, the Senate proceeded to consider the bill.

Mr. MARTINEZ. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6344) was ordered to a third reading, was read the third time, and passed.

AMENDING THE FEDERAL DEPOSIT INSURANCE ACT

Mr. MARTINEZ. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6345, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6345) to make a conforming amendment to the Federal Deposit Insurance Act with respect to examinations of certain insured depository institutions, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MARTINEZ. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to this bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6345) was ordered to a third reading, was read the third time, and passed.

The PRESIDING OFFICER. The senior Senator from Texas is recognized.

TAX EXTENDER PACKAGE

Mrs. HUTCHISON. Mr. President, I rise today to talk about the tax extender package that will be coming over from the House. It is a very important measure, one of the last items of business that probably will be passed in this session. It is such an important bill. I have to say it doesn't have everything we had hoped it would have. But the important parts that are included are very important. The sales tax deduction—the deductibility of State sales taxes—is a huge item of equity for taxpayers in our country.

As the Presiding Officer knows, there are eight States that do not have income taxes. Yet between the years of 1986 and 2004, there was an inequity. If a State chose to have State income taxes to raise its revenue, their citizens could deduct from their Federal income taxes those State income taxes. But if a State didn't have an income tax and instead raised its State revenue with State sales taxes, you could not deduct the sales taxes on your income tax. It was a huge inequity.

It is essential that in our country we have the same treatment for the people of every State regarding how they pay their State taxes. So this bill, the tax extender package, which will be voted on either tonight or tomorrow, is that equalizer. It does extend for 2 more years the sales tax deduction that would be allowed, just as State income taxes are deductible, from your Federal income tax return. We have had that opportunity for 2 years—2004 and 2005. This would have it available for 2006, this year, and next year, 2007.

The taxpayers in Texas, Alaska, Florida, Washington State, Nevada, South Dakota, Tennessee, and Wyoming would be set to have the penalty if this bill does not pass. This is something I have worked on for years. Since I came to the Senate, I have tried to equalize this inequity. Finally, in 2004, we were able to do that, and now we cannot let this equity go. There are many people who have worked to make this happen, especially the leaders of the Senate. Senator FRIST and Senator REID have been working on this, as I have, for all these years, trying to do what is right by our States, as well as the other States that are affected in this way. We won that right in 2004, and now we will be able to go forward and continue the equitable treatments of all taxpayers in our country.

The other points in the bill that I think are so important are the deduction for college tuition and fees. This can give up to $4,000 to families who are sending children to college. That is something that makes a huge difference to the families in our country who are paying the ever-increasing college tuition rates. It has a $250 deduction for a teacher who buys classroom supplies out of their own pockets. I know teacher after teacher in this country who has seen a child who doesn't have a workbook or who wants to enhance the quality of instruction, so the teacher buys, from her own pocketbook, the supplies that will enhance the educational opportunity. Yet the teachers have done it out of the goodness of their hearts, not because they are highly paid—because we know teachers are notoriously underpaid. It is because they care about the students and about the learning. So we have a deduction for those teachers who have done this, and that is in the bill before us in this Congress.

We will extend the research and development tax credit. That has been the lifeblood of innovation in our country. We have extended this credit 11 times since it was enacted in 1981. We know that it has helped us remain competitive, with increased competition from foreign countries, and has added American jobs because of the creativity and technological innovation that has been provided. I wish that we had a few more tax cuts.

We have an inequitable situation with timber taxes, where we have a competition with foreign countries that are subsidized. It is my priority to work on that going forward. It is not in this bill. I wish it were. I pledge my efforts, along with many other States, to extend or to have this tax credit reenacted.

There is also a very important energy production bill that is in the tax extender package. It is a bill that passed the Senate with full support, and it will bring the cost of energy down. It is the opening of leases 181 and 181 South in the Gulf of Mexico. These are leases that will open up natural gas and oil, which will have a major impact on the cost of fuel in our country.

It is good for America. We must look to our own natural resources to stop our dependence on foreign resources for energy. If we are going to remain secure in our country, and if we are going to remain in control of our economy, we will pass this legislation that opens up these very important leases in the Gulf of Mexico.

While no bill is perfect, no bill does everything everybody wants, I am in strong support of the tax extender bill. I have heard people speak against the bill and say: How can we pass tax cuts when we have deficits? The fact of the matter is, we have higher revenue when we have tax cuts. We have had the highest revenue in the history of America since the tax cuts of 2001 and 2003. We have brought the deficit down and have cut it in half already because of the tax cuts. The stock market is hitting new highs because of the tax cuts.

I hope we will continue to extend tax cuts for hard-working Americans to make our country competitive, to keep the revenue coming in, to bring the deficit down, and to keep the healthy economy that has caused our unemployment to go down to the lowest rates we have had in the last four decades.

It is a good bill. We will work next year to increase the tax cuts, to continue the tax cuts and keep our robust economy and our low unemployment.

Mr. President, I again thank the Senator from Ohio for yielding me this time.

I yield the floor.

The PRESIDING OFFICER (Mr. VITTER). The Senator from Ohio is recognized.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS JOSHUA A. RAMSEY

Mr. DeWINE. Mr. President, I rise today to pay tribute to Army PFC Joshua A. Ramsey from Defiance, OH, who died in Iraq on December 12, 2004. He was 19 years old.

Joshua leaves behind his father and stepmother Bruce and Le'Ann, his mother Joy, and his brothers Brad and Ty. He is also survived by his grandparents Robert and Margaret Ramsey and Jerry and Nancy Buckles.

Born in Norman, OK, Josh moved with his family to Ohio when he was 10 years old. He attended Ayersville Elementary School and joined the Boy

Scouts. He graduated from high school and the Four County Career Center in 2003, and joined the Army just 2 days later. He did not hesitate. He simply knew it was time to serve his country. Josh was assigned to the 95th Military Police Battalion based in Mannheim, Germany.

One of Josh's teachers at the Career Center, Tonya Fisher, remembers that ''Josh was a good student and a good classmate. He worked really hard in class and was really dedicated. He knew he wanted to go into the military.''

After graduating, Josh returned one August to talk to the students in the public safety class. ''He gave us hugs,'' Tonya remembers, ''and told teachers, 'Everything you said was right.' ''

Josh Ramsey will be remembered for his compassion and his love of children. While serving in Iraq, his favorite job was distributing soccer balls and school supplies to the kids he met. He would often stop his humvee, just so he could get out and talk to people. He told his father Bruce that Iraqis simply wanted the same thing that we all do—just to get by and to take care of their families. And that was Josh—always reaching out to others, always building bridges.

''[Josh] loved his job,'' his mother Joy remembers. ''I know he died doing what he wanted to do, and I find comfort in that.''

Josh had a passion for cars and one car, in particular—a fully-loaded silver Grand-Am GT that he bought while home on a 2-week leave. He was going to have his brother Brad ''hot-rod it up'' for him. According to his stepmother Le'Ann, he couldn't wait to return home and show it off to all his friends.

Josh's parents made a car payment for him as a Christmas gift, and Josh, himself, was making double payments on it with his Army salary. He planned to have it paid off entirely in 2 years. A gasoline card for him to bring home and use to fill up his gas tank was included in one of his care packages. On Josh's weekly phone calls home, he didn't want to talk about the war all that much—he wanted to talk about his car.

Josh's grandmother Margaret said that ''when it's 150 degrees, you need something to dream about and to plan for. If it helped him through the tough times, it was well worth it. We took pictures of him with his new car, so he could show his buddies.''

Josh was a very family-oriented young man, and so hated to leave them. He had a special relationship with his grandparents, and his mother Joy remembers the quiet times they shared during Josh's visits home. He would go fishing and golfing. For dinner, he would ask Joy to ''fry up those little brown things.'' These were chicken livers—one of Josh's favorite meals.

Josh always remained calm about the dangers he faced in Iraq, even when he admitted conditions were getting rough. As he told his mother Joy, ''Mom, I have one of the most dangerous jobs in the Army, but I wouldn't have it any other way.'' Josh also believed in his job—he believed in what he was doing. ''I think we're doing some good over there, Dad,'' he told his father.

Josh had a bright future before him. He was interested in police work and had joined the Army partly because of the experience of working with the military police. He also talked about becoming an American history teacher.

Josh was loved by all who knew him. He had so much energy and zest for life. One friend, Christy, remembers that he drove a long way while on leave just to see her and give her a hug. And another friend, David Streeter, wrote the following in an Internet tribute to Josh:

> Josh was my best friend, and I loved him like a brother. I first met him while I was in basic training and by some strange luck, we where stationed in Mannheim together, then in Iraq. Not a day goes by that I don't think about him, Rest in peace Private First Class Ramsey.

Josh's cousin, Brooke Westcott, left this message for Josh:

> Josh was my cousin, and we were like brother and sister. He was always there for me when I needed him. He told me that we would go graduation and birthday shopping for me. I miss him so much and he will always be in my heart.

With his compassion and bravery, Josh truly made this world a better place. He was devoted to his country, his fellow soldiers, and his family. His mother wears his military dog chains around her neck. Her son will never be forgotten.

My wife Fran and I continue to keep the family of Josh Ramsey in our thoughts and prayers.

STAFF SERGEANT ZACH WOBLER TRIBUTE

Mr. President, I rise today to pay tribute to Army SSG Zachary Wobler, from Wheelersburg, OH, who died on February 6, 2005, when his dismounted patrol encountered small arms fire in Iraq. He leaves his wife Corissa, his daughter Trinity, his mother and stepfather Jeannette and Tim Poston, and his father Anthony Wobler. Zach—as his friends and family called him—was 24 years old at the time of his death.

Growing up in Ohio, Zach's parents taught him strong values—values that Zach would carry with him throughout his entire life. He was always hard-working, disciplined, and honest.

Zach, himself, once commented on how important honesty was to his family. In his words, ''My father was big on honesty when I was young. That's one thing that was drilled into our family when I was young.'' Zach's mother Jeannette said that he never caused her a moment's worry growing up. He was so friendly—he never met a stranger. ''People loved him when they met him,'' she recalls.

Zach graduated from Ottawa-Glandorf High School in 1998, where he played football, competed in track and field, and was named the school's senior homecoming attendant. After graduating, Zach studied at Bowling Green University and joined the National Guard. He also took classes at Owens Community College. Zach joined the Army in 2000. As his father, said, ''My son was a true soldier. He was definitely a hero, and he was admired. He was truly a great person.''

Zach was very successful in the Army. He took advantage of every training opportunity available to him and quickly rose in the ranks. In 2002, he was even named Paratrooper of the Year at Fort Bragg. As his stepfather Tim said, ''If Zach did any thing, he wanted to do it completely. He didn't do anything halfway.''

Zach was deployed to Iraq in 2003. While serving there, there was nothing more important to him than the men under his command. He always wanted to be on the front lines, and he always cared more about his comrades' safety than his own. During his first deployment, his superiors wanted him to leave earlier than his troops, but Zach refused. As his mother said, Zach ''was a natural sergeant. The men in his unit loved him. He stayed with them, and they loved hanging out with him.''

Even though during his first deployment to Iraq Zach suffered a knee injury that required surgery, he decided that it was more important for him to be with his men in Iraq than any place else. And so, he returned for a second deployment. According to his mom, ''Zach's men weren't going without him.''

Zach was more than just an admired leader to the men he served with, however. He was also a friend and confidante. He could simply talk to anyone. Regardless of rank, they would come to him with problems—both personal and professional. According to SPC Ryan Logue, a sniper in Zach's scout team, ''Zach always put his men first, and took care of our needs both professionally and personally. He was my mentor. [He was] like my older brother.''

SSG Mike Beal remembers Zach's cheerful nature and constant willingness to help. He said: ''I couldn't find the words to describe how I never heard Zach complain about anything or about how he was always there for his friends.''

While Zach was, indeed, a committed soldier, he was also a devoted family man. According to his mother, the only thing that mattered to him more than his job was his 3-year-old daughter, Trinity. ''[Zach] told me that should anything happen to him,'' his mom said, ''He hoped that his little girl would understand when she grew up that he did it for her.''

Zach had a bright future before him. His dream was to eventually work in government intelligence. Based on his success throughout life, I have no doubt he would have succeeded.

I would like to share something Zach said when talking about the challenges of facing deployment. He said:

Nobody knows 'til it comes down to it whether you are ready or not.

Well, Mr. President, Zach was ready. He always had been.

Army SSG Zachary Wobler was buried at Arlington National Cemetery. As his father said:

He wanted to be buried there, because he has other friends buried there. If it ever happened to him, he wanted to be with the people who gave their lives in all of the wars.

Zach's father also remembers the dedication with which his son served our Nation. He said:

If Zach were here today, and you asked him if he would do it again knowing what the outcome would be, he would say yes. . . . He was excellent. He was a fantastic guy. I tell you now, I miss him so badly.

Zach will never be forgotten. His wit and charm will always make his friends and loved ones smile. They will remember how one of his quips was once featured on the David Letterman Show. It was No. 3 on a list of ''Top Ten Questions To Ask Yourself Before Jumping Out of a Helicopter.'' Zach had replied: ''Am I really in that much of a hurry to get to the ground?''

Most importantly, Zach had a deep commitment to helping others. His compassion touched so many people, and his family has received an outpouring of support. As his father said, ''I never realized there are so many people who cared so much.''

Mr. President, we do, indeed, care.

My wife Fran and I continue to keep the family and friends of SSG Zachary Wobler in our thoughts and prayers.

SERGEANT MICHAEL C. O'NEILL

Mr. President, I rise today to pay tribute to Army SGT Michael C. O'Neill from Mansfield, OH, who died on November 21, 2004, in Germany from injuries sustained in Afghanistan, while supporting Operation Enduring Freedom. He was 22 years old. Sergeant O'Neill leaves his parents George and Holly, his brother Kevin, and his grandmother Janet.

When I think about the dedication of our men and women in uniform in their efforts to promote and protect freedom, I am reminded of something President Ronald Reagan once said:

Freedom is a fragile thing and is never more than one generation away from extinction. It is not ours by inheritance; it must be fought for and defended constantly by each generation for it comes only once to a people.

Michael O'Neill—Mike to his friends and family—rose to this challenge of establishing freedom in both Afghanistan and Iraq. He dedicated his life to the service of our Nation and embraced the chance to help others who could not help themselves.

Mike was born on May 7, 1982, in San Rafael, California. His family later moved to Mansfield, OH. In 2001, Mike graduated from Mansfield Senior High School. During high school, Mike was very active in athletics, especially soccer and cross-country. He also loved the Kentucky Derby.

After graduation, Mike joined the Army and completed his training at Fort Benning, GA, as an infantryman. He was assigned to B Company, 3rd Battalion, 75th Ranger Regiment.

Without question, Mike O'Neill was an extraordinarily dedicated soldier. When he died, he was serving his fourth overseas deployment since he had enlisted in 2001. He had served in Iraq as part of Operation Iraqi Freedom in 2003.

Because of his honorable achievements in the Army, Michael has been awarded numerous medals—more than I can list here. But they include the Bronze Star, the Purple Heart, the Meritorious Service Medal, and the Army Achievement Medal.

Mike is deeply missed by all who knew him. They remember his blue eyes and his bright smile. Shortly after his death, several friends gathered at Todd Basilone's house to comfort each other and to remember Michael. Brett Gordon said that they were all heartbroken. In Brett's words, he owed everything to Mike.

Katie Mayo, another of Mike's former classmates, said that he had been an unbelievable person and a friend of hers since childhood.

Nick Sazdanoff is another of Mike's many, many friends. He spoke with Mike over the phone just a few weeks before his death. He recalls how dedicated he was to the service. ''Mike is an outstanding soldier,'' he said.

Mike shared a strong bond with his friends. He, Brett Gordon, and Todd Basilone all had the same tattoo on their ankle—a tribal design. According to Brett, ''My freshman year in college we did it—right after Mike got out of basic training.''

Michael O'Neill's death has been a loss to his entire community. He is the second 2001 graduate from Mansfield Senior High to have died serving in either Iraq or Afghanistan. The other, SPC A.J. Vandayburg died on April 9, 2004, while deployed in Iraq. A.J.'s father Allen left Mike the following message on an Internet tribute webpage:

Mike—you are a hero and were like a son to me. I know that you and A.J. are together and have no more worries, but I wish I had you both back. Till we all meet again, Mike, we all love you. You were a true Ranger.''

A loving son and brother, Mike was also dedicated to his family. His parents Holly and George will never forget the wonderful memories they have of their son, and I am honored that I was able to meet and speak with them during calling hours held for Mike. His Uncle Michael—and namesake—wrote his nephew the following message on an Internet tribute page:

Mike—I take this time during Memorial Day weekend to remember you and to say how proud I am of you. I miss you very much—even more so when I listen to a military ballad of some sort. I never got the chance to thank you and all our sons and daughters who are in service to our country. So, I'll keep you all in my thoughts and prayers. God bless you, Mike—my namesake and my nephew.

SGT Michael C. O'Neill truly embodied the Ranger Creed that reads, in part, as follows:

I accept the fact that as a Ranger, my country expects me to move further, faster and fight harder than any other soldier . . . I will shoulder more than my share of the task whatever it may be, one hundred percent and then some. . . .

Mike was an honorable soldier and an honorable man, who will live on in the hearts and minds of all those who had the privilege of knowing him. My wife Fran and I continue to keep his friends and family in our thoughts and prayers.

SERGEANT JOSEPH GARMBACK, JR.

Mr. President, I rise today to honor a fellow Ohioan—Army SGT Joseph Martin Garmback, Jr., from Cleveland. He died in service to our country on July 8, 2004, while stationed in Samara, Iraq, about 70 miles north of Baghdad, where he and the 1st Battalion, 26th Infantry's mortar platoon were halfway through a shift at an Iraqi National Guard headquarters. Sergeant Garmback was 24 years old.

Sergeant Garmback leaves his mom and dad Marylon and Joseph Garmback, Sr., his three sisters Susan, Arlene, and Christine, and his girlfriend Christiane.

Joseph was born on April 9, 1980, in Cleveland. He grew up in the same West Park neighborhood where his family went to church—where he was baptized, received his first communion, and went to Sunday school. Members of his community cherish their fond memories of the fun loving, considerate, and loyal Joey Garmback, as he was known to those closest to him.

Joey grew up with a strong conviction to serve the United States as a soldier in the Army—just as his father had. At the age of 16, Joey left high school and took on a job running parties for a catering firm owned by Bill Rini. Bill remembers Joey well and describes him as a ''very kind, compassionate kid, who worked for everything he got.'' Bill saw Joey growing into a capable young man. Knowing of Joey's interest in the Army, Bill introduced him to his friend, SGT James Mauer, who helped Joey earn his high school diploma and enlist in the Army in May 2002.

Joey was assigned to the 1st Battalion, 26th Regiment, 1st Infantry Division out of Germany. His father had been a paratrooper, and Joey told his parents that he planned to re-enlist in jump school after finishing his first term of service. During his time in the military, SGT Garmback was an extremely decorated solder, earning 16 medals, including the Bronze Star and Purple Heart.

But, though his medals and awards are a sign of his dedication, Joey was so much more than the ribbons and medals he earned. He was a wonderful son, friend, and brother. Joey lived the way he served—with passion, love, and a strong loyalty for those around him.

The last days Joey spent at home were happy and busy. He returned from

Germany over Christmas, and as a present, Joey's family took him to a different place every day—to the arcade, to the movies, on road trips. Joey spent his last days with his family, doing all of his favorite things.

Joey left a lasting impression on this world. Those who knew him will never forget his smile, his compassion, or his fierce dedication. One of Joey's childhood friends, Laura Weimer, wrote this note to the Garmback family:

I have known you all for many years. Joey and I grew up together, and I had the honor of watching him grow from a kid to a wonderful young man. Joey is a hero who fought bravely for our country. He will always be remembered and missed. Joey is part of who I am today, and I will always cherish him.

Indeed, SGT Garmback lives on in the hearts of his family, the friends he grew up with, and those he fought beside. SGT Owen Fulsome, one of these men, wrote the following message to Joey after his death:

Garmback—you were a good friend and an excellent soldier. We had a lot of good times in Germany. You always gave 100 percent to our squad down there, and I will never forget you. You are truly a hero and the Mortars were lucky to serve with you.

Starr Richmond grew up with Joseph and was proud to watch him become a strong and able young man. This is what Starr said about Joey:

There are no words to express how much Joe will be missed and always be loved. It is always hard to lose someone and even harder when it is your child. But, with family, friends, and love, it helps the hurt. Joe . . . did more in his time than most people his age will ever do. He was a great friend, and he became our hero. Always remember the time we had with him. Whether it was sad and you cried with him or angry and you yelled with him, especially remember the times he brought a smile to your face and made you laugh. I will always remember the fun times as kids and remember him growing into a man and fighting for our country. He will be greatly missed and loved forever. Thank you, Joe, for being my friend.

SGT Joseph Garmback, Jr., was a good man who worked hard and loved his family and his country. We will always remember him and we will always be proud of him.

My wife Fran and I continue to keep Joseph's family in our thoughts and in our prayers.

BRIAN WAGONER

Mr. President, I rise today to pay tribute to civilian contractor Brian Wagoner, originally from Maumee, OH, who was killed on March 3, 2005, when a roadside bomb exploded as he was escorting a convoy of engineers in Iraq. He was 30 years old.

As a civilian contractor providing security as Iraq is rebuilt, Brian played an indispensable role in preserving that nation's newly found freedoms. Brian worked for contractors who worked with the U.S. Army Corps of Engineers to destroy captured enemy munitions. Brian's job was to protect the people responsible for defusing the weapons of the insurgency. Brian was on the front lines.

On March 3rd, 2005, Brian and his colleague and friend Jimmy Riddle were accompanying a convoy of workers to an ammunition storage point in Al Ashraf, Iraq. During this convoy operation, a roadside bomb was detonated. Both Brian and Jimmy were killed instantly.

Brian's life ended in service, protecting others and keeping them out of harm's way. Reflecting on his life, family and friends remember Brian Wagoner as a man who always wanted to serve others. Growing up in Maumee, he sought responsibility. At Maumee High School, he volunteered to manage the football team. Even though he didn't play, he was a key contributor to the team. As former Maumee High football coach Hal LaFountaine remembered, ''He was a real find for us. He was quiet, unassuming, and just did his job. For him to become the professional he was and the things he did, it made sense. It fit his personality. He was a team player.''

After graduating from Maumee High School in 1994, Brian left Ohio for North Carolina and military service. He spent 4 years in the Army's 82nd Airborne as a member of the Air Defense Artillery unit at Fort Bragg. Near the end of his time serving in the Army, Brian married the love of his life Melissa, or ''Missy'' as he called her.

Brian and Missy had three beautiful children together, Bryce, Brandon, and Allyson. No matter where Brian was or what he was doing, his family remained the center of his universe.

With a young family to support, Brian left the Army and enrolled in school to become a police officer. Applying the discipline and work ethic he learned at Fort Bragg, Brian quickly worked his way from patrolman to police chief of Pinebluff, NC.

He was promoted to the top spot at just 26 years of age. As if his service in the military and work in the police force weren't enough, Brian volunteered as a firefighter in his spare time. As his wife explained, ''Brian was a fearless guy. He was in the military. He was a volunteer firefighter. He was a police chief.'' Anywhere there was an opportunity to get involved and help others, that's where you'd find Brian. He always wanted to be where the action was.

While serving as police chief in Pinebluff, Brian was recruited by a defense contractor based in Minden, NV, that provides security for companies overseas. His expertise in law enforcement made him a prime candidate to protect workers rebuilding Iraq. Given his leadership training and as a chief of police, Brian was also well suited to train the newly constituted Iraqi police. By any measure, the job was a great fit.

Brian saw the opportunity to work in private security as the chance to give his family a better life. As Missy explained, ''Most of all, Brian wanted to provide for his family. He wanted to be able to give the children and me anything he possibly could.''

Through this job, Brian would be able to secure a better future for his family, while also satisfying his desire to serve his country abroad. He accepted the offer in 2004.

Brian's assignment in Iraq was a dangerous one. His assignment was to confiscate explosives. Even though his family worried, Brian only saw opportunity, excitement, and a chance to give. When he wasn't clearing explosives, Brian gave Iraqi children clothes his own kids outgrew. That was the essence of the man—simultaneously a protector and a provider and—at all times—selfless.

Even though he was thousands of miles away, Brian kept in close contact with his loved ones. As Missy recalled, ''There was not a moment that went by that he did not tell me that he loved me, missed me, or that I was beautiful.'' No matter the distance that separated them, Brian's heart was always with his family.

Brian's death was devastating for his family, his friends, and his community. It was not only sudden, but he was scheduled to return home from Iraq to his family in only 9 days.

A memorial service for Brian Wagoner was held at the Church of St. Andrews United Methodist in Toledo. Brian was buried in Fayetteville, NC. A flag outside of the Pinebluff, NC, townhall flew at halfstaff in honor of Brian's service as chief of police and firefighter.

Today, we honor and remember him again here on the Senate Floor. Although Brian Wagoner is gone, memories of him remain. He will be remembered as a lighthearted, humorous man, who loved NASCAR and who would take his wife to the shops of Hendrick Motorsports and Dale Earnhardt, Inc.

Brian Wagoner will be remembered as an avid outdoors man, who had a passion for people and animals. ''He was always on the go, even when he was young,'' his father recalled. ''He loved to fish, he loved to swim—he really liked to be on the go. But, even though he was very busy, he always had time for his kids.''

And that is how Brian will be most vividly remembered—as a family man who put his family and their future ahead of all else. ''You could tell he loved his wife and his kids,'' said Pinebluff Town Clerk Betty McDuffie. ''The last time we spoke . . . we talked about getting together and having a cookout in March, when he got home.''

Just this past November, Brian was honored by the United States Army with the Defense of Freedom Medal—the civilian equivalent of the Purple Heart. It is an award that he richly deserved. We are proud of him and his service.

My wife Fran and I continue to keep his family and friends in our thoughts and prayers. Our hearts go out to

Brian's father Jim, his mother Barbara, his brothers Jason and Christopher, and his wife Melissa and their children Bryce, Brandon, and Allyson.

SPECIALIST JASON LUCAS

Mr. President, I rise today to pay tribute to Army SPC Jason Lucas from London, OH, who lost his life October 13, 2006, while serving our country in Afghanistan as a part of the NATO peace keeping force. Army Specialist Lucas was killed when his vehicle was attacked by a suicide bomber. He was 24 years old.

Jason was a brave soldier, who was proud to serve. He had a warm heart and a big, infectious smile. His friends and loved ones often called him ''Smiley.'' He leaves behind his wife Monica their two sons Zausten and Ethan, his father Bill, his mother Beth; and his sister Samantha.

Jason was born in Columbus and grew up in London. For 2 years, he lived in McEwen, TN. While there, he worked on farms and learned how to hunt deer and turkey. He was called ''Cutie,'' because he always had girlfriends. He enjoyed playing football and basketball while growing up, but his favorite sport was always baseball. Jason graduated from London High School.

Unsure exactly what career to pursue after graduation, Jason worked in a warehouse for a time and at various other jobs. His mother recalls his interest in being a firefighter, policeman, FBI agent, or working with the Drug Enforcement Administration. But instead of pursuing these admirable careers, Jason chose to become a United States soldier. ''He loved being in the Army,'' his high school sweetheart and wife Monica remembers. ''He was the best guy. He loved being in charge.''

Jason's take charge attitude led him to the position of squad leader at the Army's boot camp in Fort Polk and then again in Afghanistan. ''Jason was proud of what he did,'' recalls his mother, Beth. While serving overseas, he had told her, ''I was trained by the best, and I'm working with the best. Don't worry about me.''

CPL Christopher Jackson remembers this same determined spirit. This is what he said:

> His personality made training easier. He . . . wasn't afraid to stand up and take charge. When you were with him, you wanted to work for him. He didn't have to tell you to work.

Jason loved his work, and what kept him and his fellow soldiers in good spirit through the tough times was his incredible sense of humor. ''Lucas was an excellent soldier, but his personality was his greatest asset,'' 1LT Daron Moreno said. ''He knew how to live and how to make others laugh.''

First Lieutenant Moreno remembers when Jason would perform his favorite impersonation, acting like a high school football coach, sticking out his gut and screaming, ''What the heck is going on here? I can't believe what you are doing'' First Lieutenant Moreno said that Jason would continue ''ranting and raving'' as the coach and that by the end of his performance, the rest of the soldiers would be rolling over with laughter.

Indeed, Jason's enthusiasm and humor could make any day fun. His friends—Cheryl, Joe, and Chance—from Grove City, OH, remember one of these days, in particular, with Jason. Together, they wrote the following on Jason's Internet tribute webpage:

> We will never forget our times we spent with Jason—especially the day at King's Island. We rode a couple rides that only Jason could talk us into. We had such a great time when we were together. Jason kept in touch after joining the service and it was always nice to hear from him. We will never forget him or what he did for our country. Our deepest sympathies go out to [his wife and children] and to the rest of Jason's family. We were so saddened to hear of the loss of Jason. It was an honor to have known him as a friend and a Hero.

Jason Lucas was more than just a funny guy—especially to his family. He was a dedicated father and loving husband, and spent as much time as he could with his family. His son Zausten, is always wanting to play Army—to be just like his daddy. According to Jason's wife, little Zausten can identify Army helicopters and planes and wants only Army clothes and toys.

Monica remembers how important it was to Jason to keep in touch with his family while abroad. ''We talked to him every day—about three times if not more,'' she said. ''He was a great daddy.''

Jason was home this past summer spending time with his wife and children. He also spent time with his father Bill. ''We had a lot of fun,'' Bill recalls. ''I'm just thankful of the time I had to spend with him, especially this past July before he left.''

In September, Jason left for Afghanistan for what was supposed to be his last year overseas. Jason and Monica had plans to move the family to Fort Polk, where Jason had planned to return by December. They didn't intend to settle there for long, however. ''Maybe Kentucky or Tennessee,'' Monica recalls, would be where they intended to settle down. Together, they dreamt of moving somewhere beautiful when he was discharged.

Jason's family will miss him deeply. Monica and their sons left Jason the following message for Jason on the Internet. This is what they wrote:

> Daddy, we love you with all our heart, we will never forget you.

Jason will be remembered affectionately for his commitment to his family and for his dedicated service to our country.

He was always trying to make others laugh and bring a smile to their faces. He could make everyday fun. His bright, beaming smile will never be forgotten. We will always remember him as a brave and courageous soldier.

My wife Fran and I continue to keep the family of Army SP Jason Lucas in our thoughts and prayers.

SERGEANT NATHANIEL S. ROCK

Mr. President, I rise today to pay tribute to Marine SGT Nathaniel Rock from Toronto, OH. Along with 5 other members of his sniper unit, Sergeant Rock was killed on August 1, 2005, while on a mission in the Al Anbar province of Iraq. He was 26 years old.

Sergeant Rock leaves his parents Adriana and Tim, his sisters Nicole and Tara, his brother Jared Rock, and his niece and nephew, Taylor and Elija.

Growing up, ''Nate'', as his friends and family called him, was always drawn to the military. When he was only 12 years old, he loved to eat the military pre-packaged meals that he got from his sister's Marine husband. His favorite clothes were camouflage, and ''Army'' was his favorite game to play.

Nate also loved to hunt and fish, and loved his mom's cooking—spaghetti, homemade soup, and cabbage rolls. He graduated from Toronto High School in 1997, and enlisted in the Marines when he was only 17. The decision wasn't a surprise to anyone who knew him. He served in the Marines for 6 years and then joined the Marine Reserves in 2003. His parents were always supportive of his decision to serve. As his father said, ''It is some comfort to us that we know he was doing what he wanted—what he loved to do.''

Nate was also a graduate of the Jefferson Community College Police Academy in Steubenville, OH. Michael Garcia attended the Academy with Nate and reflected upon his friend in the following message on an Internet tribute website. This is what he wrote:

> I never met a man in my life who was as honest, outspoken, and courageous as Nate. He was probably the most liked person in the Academy. He was serious most of the time, but if you got on his good side and got him to laugh, he wouldn't shut up and was your best friend from that day forward. Everyone—teachers and students, alike—respected him and liked him. But, he earned his respect from us because of his abilities. We knew what he was capable of being—[and that was] a United States Marine.

After graduating from the Police Academy, Nate became a part-time policeman for the Martins Ferry Police Department, where his brother, Jared, also worked. Martins Ferry Police Chief Barry Carpenter remembers that Nate was an excellent young officer—talented, with so much potential.

''He was a young police officer who took a vested interest in everyone and especially his work,'' Chief Carpenter said. ''He was here at every opportunity, and I especially liked him. I always saved a spot for him.''

Chief Carpenter also remembers that serving in the Marines was simply Nate's dream. ''It was a goal he'd always had and a goal he was able to achieve,'' he said. ''It allowed him to serve his country.''

Nate was, indeed, a proud and dedicated Marine. In a Mother's Day card that he sent to his mother, he explained his reasons for serving. This is what he wrote: ''I'm sorry I'm putting

you through this, but I couldn't sit on the sidelines and watch Marines being hurt on the TV.''

This was Nate. He always wanted to be involved—he always wanted to be there for his fellow Marines. That was the type of man he was.

As his father Tim said, ''He was proud to be a Marine—to be serving his country. He was true to his duty and true to his men.''

SGT Brian Casagrande served with Nate and the other fallen members of his unit. In a eulogy for them, he had this to say about Nate:

> Nate Rock was a Marine who made his presence known wherever he was. Before the platoon left for Twenty-nine Palms, he was incorporated into my team, and I quickly came to respect him as a man and a Marine. After arriving in country, he led his own team. We soon became friends and came to know everything about each other. He will not only be missed by me and the platoon, but by his family that he constantly talked about and his fellow police officers who he served with in Martin's Ferry, Ohio.

I had the privilege of meeting Nate family and speaking with them at Nate's calling hours. He was a courageous young man—someone who valued his friendships and loved his family dearly, as they loved him.

Nate's death has been a loss to his entire community. One of his former teachers, Roy Golec, remembers Nate for the rare sense of integrity and purpose he had even as a teenager. ''He could do just about anything he put his mind to,'' Roy said. ''He had his head on straight, and he knew what he wanted to do.''

Joe Neeper, Nate's neighbor, had known him all his life. According to Joe, Nate was the epitome of professionalism and loved being a Marine. He was always disciplined, committed, and ready to serve. As Joe said, ''When you talked to Nate, you noticed he had the Marine Corps attitude.''

In Nate's memory, the Northeast Ohio Dog Training Academy gave the Martins Ferry Police Department a new drug dog. He was named ''Rock,'' after their fallen officer.

One of Nate's fishing companions and brothers-in-arms, John Howard, reflected on his friend in the following message:

> Every time I cast my line out, I am overwhelmed with great memories of the good times Rock and I had while fishing the Potomac River. The last summer of our active service, it became a nightly ritual to throw the rods and tackle boxes into Nate truck and head down to the dock for catfishing. Even when the fish weren't biting, our stories would keep us occupied.

And Joel Andrade, who served with Nate in the Marine Corps from 1998 to 2001, said this about his fellow Marine:

> Nate stood out from the rest. I remember him as a quiet, polite guy, who was respected by everyone. He was always willing to help anybody who needed help and always greeted you whenever he saw you.

The world is a better place because of Nathaniel Rock. He intuitively understood the importance of service. He loved his family. He loved his country. He was a dedicated, committed marine, who is missed by his family, friends, comrades, and community.

My wife Fran and I continue to keep Sergeant Rock family in our thoughts and prayers.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, I come to the floor with several objectives. We will be voting later tonight. We are still waiting for the bills to come over from the House.

TENNESSEE ACCOMPLISHMENTS

Mr. FRIST. Mr. President, as we serve in a class of Senators, we have several roles. We wear several hats. Probably the most important one is to represent the people who elected us, and that is our constituents back home in our home States. That has been for me a real honor over the last 12 years, to serve the people of Tennessee.

In addition to that, of course, we serve America as 100 individuals representing this entire country. That is a real privilege. If you are elected to leadership, you have other responsibilities.

Twelve years ago, the people of Tennessee entrusted me with the responsibility to serve their interests in the Senate. I have done my best each and every day to meet the Volunteer State's needs and to serve the people of my home State with dignity and honor. What an honor it has been to follow in the footsteps of former Senators Howard Baker and Bill Brock. What a tremendous privilege it has been representing the interests of the people of Tennessee.

And serving along side true statesmen such as Fred Thompson and Lamar Alexander—men who have dedicated so much of their lives to the people of Tennessee—has been a remarkably rewarding experience.

When I first stood for election in 1994, I pledged to all Tennesseans that I would serve two terms in the Senate and then return to home to live under the laws I had helped enact.

I made that commitment because I believe strongly in the concept of the citizen legislator—spending years developing real world experience outside the political arena as I did in medicine and then bringing that expertise to the legislative process for a period of time . . . only to make way for the next citizen with his or her fresh perspectives and new ideas.

As the time comes to resume my private life in the Music City, I have spent countless hours reflecting on the milestones in my service to Tennessee from which I derive particular pride.

I think about accomplishments such as establishing a prescription drug benefit that provides quality, affordable coverage for more than 700,000 beneficiaries in Tennessee.

I think about the State sales tax deduction, which I hope we will soon extend for 2 more years. Enacting that provision corrected a 15 year inequity in the Tax Code by allowing Tennesseans to deduct their State sales tax expenses from Federal income tax returns—and it resulted in additional savings of nearly $500 in taxes for more than 530,000 families across the State.

I recall the hours spent combating methamphetamine, a drug epidemic that has plagued Tennessee and dozens of other States.

I helped develop minimum Federal standards restricting access to the ingredients that produce methamphetamine, the drug our Nation's local law enforcement officials have ranked as our greatest problem.

I also enjoyed working with other members of the Tennessee delegation to establish a statewide methamphetamine task force and develop a statewide crime tracking system—all in an effort to eradicate this devastating drug from our communities.

During my time as majority leader, we also enacted a tobacco buyout that ended an outdated quota system that hurt Tennessee's farmers by providing fair compensation that will bring a total of $767 million to tobacco communities in the State over the next decade.

And we passed my National Park Fee Equity Act, a law that provides the Great Smoky Mountain National Park with an additional $200,000 to $300,000 each year by allowing the park to keep 100 percent of the user fees it collects.

I was also pleased earlier this year when the Senate confirmed the final member of a TVA board modernized by legislation I nursed through the legislative process over a 9-year period—legislation that resulted in the first African-American board member, the first west Tennessee board member, and the first chief executive officer in TVA history.

In addition, we passed legislation I authored allowing TVA to refinance its debt at lower rates, thus saving roughly $100 million per year.

These reforms will help increase accountability and oversight at TVA, which benefits both the utility and its ratepayers.

I have also worked extensively with my colleagues on the HELP Committee to extended health care and support services to Nashville, Memphis, and other emerging metropolitan communities disproportionately affected by HIV/AIDS through reauthorization of the Ryan White CARE Act.

The CARE Act provides funding for low-income, uninsured and underinsured individuals affected by HIV/AIDS, but none of Tennessee's cities met the legislation's original criteria to receive support—a fact I knew we had to correct and one which we rightly remedied.

I have dedicated significant energy to strengthening Tennessee's research infrastructure, and bringing both the Spallation Neutron Source project and the National Leadership Computational Facility to Oak Ridge demonstrates our State's leadership in advanced science and technology.

I was also pleased to play a central role in the development of the Memphis Bioworks Foundation and the revitalization of the Central Medical District in Memphis by securing $8.1 million for these efforts.

And to ensure that we encourage the bright young men and women of our State to pursue an education in these fields that are vital to America's competitiveness in the 21st century's global economy, I also created the SMART Grant program—a $3.75 billion initiative that provides financial assistance to students seeking degrees in math, science, engineering, technology, and foreign languages critical to national security.

I have tried to encourage economic growth in other ways, however, working closely with communities throughout Tennessee to provide the Federal assistance that can often enable local governments to pursue opportunities that will benefit their citizens for generations.

I secured $100 million to construct sections of Interstate 69 in Tennessee from Dyersburg to Memphis—a highway that will one day serve as an economic engine for much of West Tennessee.

When community leaders in the Chattanooga area asked for assistance with the crumbling Chickamauga Lock and Dam, a structure providing access to hundreds of miles of waterway used for economic economy in East Tennessee, I helped ensure the authorization of a new 110 ft.-by-600 ft. replacement lock.

Construction funding for the replacement structure has been successfully secured in each year since 2003, and after a long period of hard work and difficult discussion, the White House agreed to include the project in its most recent budget request.

Several years ago, violent tornados ravaged Jackson, and local leaders sought my assistance in rebuilding badly damaged neighborhoods and city infrastructure.

I was honored to secure almost $11 million from the Department of Housing and Urban Development to rebuild public housing lost as a result of the devastating storms and an additional $2.1 million for the city's police department to improve communications during such emergencies.

Nashville long sought a light rail system that could help alleviate the burden placed on its roadways and improve the flow of consumers into downtown—the heart of its economic marketplace.

So I went to work and eventually secured $24.6 million in funding necessary to start and complete the Music City Star East Corridor Commuter Rail Project, which allowed Tennessee's first commuter rail passenger service to begin between the Riverfront Station in downtown Nashville and the city of Lebanon in Wilson County just 3 months ago.

And when the city of Memphis began redeveloping its riverfront, I lent my support to the cause and secured nearly $8.7 million for the Cobblestone Landing and Beale Street Landing projects.

To help advance this work, I facilitated an agreement that will allow the University of Memphis Cecil Humphreys School of Law to relocate to the Postal Service Front Street Station in downtown Memphis—a move that will act as a cornerstone of riverfront redevelopment and reshape the law school's future.

I have also tried at every turn to provide steadfast support for Tennessee's brave men and women in uniform as a sign of my gratitude and respect for their extraordinary efforts on behalf of our Nation.

Because they deserve only the best facilities, I secured $32 million to construct a new headquarters facility for the Tennessee Army National Guard in Nashville and an additional $31 million to consolidate personnel previously located in 22 different buildings into a single, state-of-the-art command headquarters for the 101st Airborne and other units at Fort Campbell.

Because they and their families deserve basic economic fairness, I helped secure passage of the Fort Campbell Tax Fairness Act, which now ensures Volunteer State residents working at Fort Campbell are spared from a State income tax like all other Tennesseans.

I could spend many hours on the Senate floor recalling the countless ways in which I have worked to meet Tennessee's needs during my 12 years as a Member of this body.

But instead, I would rather thank the people of Tennessee for the opportunity.

I will forever treasure the experience—and the many individuals I have had the privilege of befriending across our great State along the way.

Electing me to serve two terms in the Senate is the greatest honor the citizens of Tennessee could have ever given me.

No words could ever express my deep appreciation.

I look forward to returning home and continuing my efforts to repay their generosity in the years to come.

FULFILLING DUTY, PRESERVING LEGACY: NOMINEE CONFIRMATIONS

Mr. FRIST. Mr. President, this week, among other agenda items, the Senate considered the nomination of Robert Gates as Secretary of Defense. It puts me in mind of similar high-level nominations we considered earlier this year, and throughout the 109th Congress. Namely, Chief Justice John Roberts, Justice Samuel Alito, and a host of other judicial nominees and presidential appointees.

When I consider these nominees I am reminded of the progress we've have made—the remarkable strides we've taken—to ensure continued fulfillment of our constitutional duty as United States Senators. Whether we recognized it or not, the 109th Congress had the potential to become a pivotal turning point in our Nation's history—with repercussions reaching far into the future.

Over the past 30 years, the Senate's confirmation process has slowly but steadily deteriorated. We faced the confirmation of fewer and fewer judicial nominees. During the Carter and Reagan administrations, the Senate confirmed 9 out of 10 appeals court nominees. But in the first term of the current administration, the Senate blocked one out of every three appeals court nominees.

Those that were confirmed took longer and longer. In the Carter and Reagan administrations, the Senate took an average of about 60 days to confirm a Federal appeals court nominee. But in the first term of this administration, we took an average of nearly 300 days.

And as the judicial nominations process deteriorated, so too did the quality and civility of debates. Bitterness and acrimony seeped in, threatening to poison the Senate's legacy—and our nation's future.

The 108th Congress marked the low point. For the first time in history, a minority of Senators obstructed the principle of a fair up-or-down vote on judicial nominees. That was unprecedented. Never in 214 years of Senate history had a judicial nominee with majority support been denied an up-or-down vote.

Two years ago, I faced a decision. I could ignore the events of the 108th Congress. Through passivity, I could permit the active obstruction of Senate duties—and the active destruction of Senate traditions.

Or I could do something to halt the unchecked downward spiral. I could protect the Senate's history of fulfilling our constitutional duty. I could help restore our legacy.

At the beginning of this Congress—the 109th Congress—I made a decision. I chose to stand on principle. I came to this floor, and reminded my colleagues of the 14–word oath of office we each take: ''I do solemnly affirm that I will support the Constitution of the United States.''

Our first responsibility, above all else, is to do our constitutional duty. Yet in the 108th Congress, the Senate failed to perform an essential constitutional duty. It failed to offer advice and consent to the President by filibustering ten judicial nominees and threatening to filibuster another six.

So nearly 2 years ago, when the 109th Congress opened, I took a stand.

In the spirit of bipartisanship, I extended my hand across the aisle to the new Senate Democratic leadership. I held the sincere hope that we could move forward beyond the difficulties of the 108th Congress—to a future of cooperation.

I said:

If my Democratic colleagues exercise self-restraint and do not filibuster judicial nominees, Senate traditions will be restored. It

will then be unnecessary to change Senate procedures. . . . But if my Democratic colleagues continue to filibuster judicial nominees, the Senate will face this choice: Fail to do its constitutional duty or reform itself and restore its traditions, and do what the Framers intended.

And it was at that point I made it clear that if the obstruction of fulfilling our constitutional duty continued, I would enforce the constitutional option—what some of my colleagues took to calling the ''nuclear'' option.

The principle is simple. The U.S. Senate has a constitutional obligation of advice and consent on the President's nominees.

To consent—or not consent. To vote yea or nay.

That is our constitutional duty.

And nothing—not party, not ideology, not politics, and not even tradition—should interfere.

That is the principle.

The nomination process is a grueling experience. Even for those nominees with impeccable credentials, a spotless record, and unassailable positions—it's anything but pleasant.

We grill nominees. We scrutinize their every word—both written and spoken. We demand justifications for their every action and decision. We advertise their flaws, both real and imagined. And we posit hypothetical situations before them, to gauge their reactions.

It takes a certain amount of stamina—of endurance—to undergo the nomination process. It demands exposure of the nominees and their families to public slander and character assassination.

And yet we have the audacity to compound this grueling experience by forcing nominees to languish without benefit of a vote.

So the principle I outlined at the beginning of this Congress—that every nominee should have a fair up-or-down vote—is twofold. First, each vote is the fulfillment of our constitutional duty to offer advice and consent on each of the President's nominees. And second, each vote offers a measure of fairness to nominees. They have submitted to the grueling public scrutiny entailed by the nomination process. In return, they deserve a definitive answer—yea or nay—on whether they have passed muster.

Undoubtedly, we lose many qualified candidates because they choose not to endure the public scrutiny of being nominated. But how many more do we lose—needlessly—because they fear languishing without a vote?

That is why I made it clear—at the outset of this Congress—that I could not countenance the perpetuation of the travesties of the previous Congress.

Looking back, I firmly believe that without that firm stand—without the promise of the constitutional option—we would not be where we are today.

Without the promise of the constitutional option, we would not have seen the so-called Gang of 14.

Without the promise of the constitutional option, it's unlikely we would have confirmed two Supreme Court nominees with such timeliness.

Without the promise of the constitutional option, I have no doubt that future generations would look at the 109th Congress as a negative turning point for the Senate. A turning point in which, through our passivity, we allowed a laudable Senate tradition to trump Senate duty as defined in the Constitution.

We have, for the time being, protected our Senate legacy.

I recounted these events for a reason. There is purpose to my reminiscing.

This week we are wrapping up the business of the 109th Congress. We are preparing for a change in control of the Senate. Many of my colleagues will return for the 110th Congress. I would leave them with this challenge: continue the progress of the 109th Congress.

We have halted the deterioration of the nominations process. We have even turned it around, helping prevent numerous nominees from languishing indefinitely.

But despite these important strides, there have still been casualties.

Just yesterday, President Bush accepted John Bolton's resignation from his post as Ambassador to the United Nations. A man eminently qualified to articulate the position of the United States—and yet a minority of my colleagues refused to grant him an up-or-down vote.

They refused to take a decisive stand—yea or nay. And in so doing, they abdicated their constitutional duty of advice and consent.

And there are others. Ten circuit court nominees still await a definitive vote, as do 21 district court nominees. And some have waited years. Not months, and certainly not days: but years.

It is true that the number of nominees still languishing is smaller now than it was at the end of the 108th Congress. And I firmly believe that what progress we've realized is a direct result of standing on principle.

For more than 200 years, the Senate operated on the underlying assumption that every nominee deserved an up-or-down vote. In the 109th Congress, we were forced to defend that assumption. And we did so, by standing on principle.

We have made important strides. We have stopped the downward spiral, and started to regain lost ground. But the fact remains: we still have farther to go. We have made progress, but it hasn't been enough.

So let me reiterate: to the 110th Congress—to my returning colleagues, and to the new Members—I issue this challenge: continue that upward momentum. Continue the progress of the 109th Congress.

Fulfill your constitutional duty of a fair up-or-down vote on each nominee.

Fulfill your commitment to fairness by giving nominees a firm yea or nay.

And fulfill your place in history by helping preserve the Senate's legacy. Don't let history remember the 110th Congress as the one when the Senate turned rebel.

It comes down to this: You can build on the progress of the 109th Congress. Or you can abdicate your constitutional duty, and irreparably damage America.

Looking back, I can proudly say the Senate stood on principle during the 109th Congress. We made genuine progress. I hope I can say the same of future Congresses.

SECRETARY OF THE SENATE EMILY REYNOLDS

Mr. FRIST. Mr. President, I came to the floor to recognize two individuals who have been very close to me and contributed significantly to the progress I have made here in this body and, indeed, the progress that we make as an institution.

I rise to pay tribute to Emily Reynolds, our magnificent Secretary of the Senate. Abraham Lincoln once said, ''I am a success today because I had a friend who believed in me, and I didn't have the heart to let him down.''

Looking back at the past 13 years, those words ring true. I know for a fact that successes and triumphs I have enjoyed throughout my years in office are largely attributable to family and friends and staff, people who have stood with me, people who hold me to a higher standard, people who compel me to meet that standard.

Today, I specifically speak about one such person who has been at the center of everything I have done over the past 13 years, Emily Reynolds. No one has believed in our mutual vision for the future of Tennessee and the country—that mutual vision that she has shared and I have shared, that we have shared for the people of Tennessee—nobody has articulated and stood behind that more than Emily Reynolds.

Most of my colleagues know Emily as the Secretary of the Senate. She is the woman who keeps the legislative machine well oiled, moving and running smoothly, no matter what the circumstances; the woman largely responsible for bringing us the Capitol Visitor Center, and the woman who signs our paychecks every other week.

Thirteen years ago this month, I came out of the operating room having made the decision to run for the Senate. I learned early on from my experiences in the operating room—part of the surgical team—how important it is to surround yourself with the best of the best. So I sought counsel from former Majority Leader Howard Baker, who very quickly introduced me to his former chief of staff Jim Cannon. They both within a few days steered me to a remarkable fellow Tennessean who has literally been with me every step of the way over the last 13 years, currently serving as Secretary of the Senate, Emily Reynolds. It should come as no surprise after meeting her that I wanted Emily on my team.

In that first campaign, I was a political novice. I was the underdog. I had no political experience whatsoever. The pundits said I didn't have a fighting chance. But Emily had faith in our vision. She moved from Washington back home to Tennessee to join our fledgling campaign. She believed in our mission.

When we set up our 24-hour-a-day campaign headquarters over a restaurant in Nashville, Emily was there almost 24 hours a day. When I opened my first official Senate office, she was there. And now, as I—as we all—carry our last boxes out of our offices and out of this majority leader's suite, she is there standing with me.

She served as my deputy campaign director back in 1994, and as my state director at home in Tennessee, and as my campaign manager for my reelection campaign in 2000, as chief of staff of my Tennessee office here in Washington, and for the past 4 years, she has served all 100 Senators as the 31st Secretary of the Senate.

To this day, the range of Emily's capabilities astounds me. She is a genuine people person. People love her. People are attracted to her warm personality. She makes you smile. She makes you laugh.

And what versatility. She is comfortable shooting the breeze with farmers down in rural Tennessee. But she is just as comfortable walking the Halls of the Senate and the Congress with Senators, with diplomats and foreign heads of state. No matter what the situation, whether it is singing on the stage of the Grand Old Opry or standing on the floor of the Senate, Emily's passion for people shines through that warm smile.

But beyond possessing the rare capability of being able to set just about anybody at ease, Emily is a talented administrator. She juggles the demands of all 100 Senators, Democrat and Republican alike, and their staffs, a thankless task, while always wearing a friendly smile. She is loved and respected by Members on both sides of the aisle.

Under her direction, the Senate has benefited from an ambitious overhaul of our computer systems, bringing them up to date with the latest in modern technology.

Emily humbly describes her job as ''making the trains run on time.'' That is true. But it doesn't give the complete picture of who she is or what she does. Within the Senate, she has fostered a stable environment of mutual respect and mutual trust. Her supreme attention to detail has served the Senate and our Nation well. Whether she is collaborating with the Sergeant at Arms to develop crisis contingency plans, or working with the Senate Historian's Office to produce new publications that augment and preserve the Senate's history, Emily is a born leader. Her devotion is unmatched.

Emily comes from a very close family whom I have had the privilege to know. That is where her values come from. That is where her sunny smile comes from. That is where her work ethic comes from. I can only imagine how proud of her accomplishments her dad Clarence is, her sister Ellen, and her brother Ernie, and how proud her mother Josephine would be, too.

Clarence, you did good. You did well.

Emily's service to the Senate will surely be missed. As an institution, we can only hope that she again returns to our body as she did after her service to another Tennessee majority leader, Howard Baker. Yes. In fact, Emily Reynolds worked in the very Republican Leader's office which I now occupy, from 1980 to 1984, where she worked for then chief of staff Jim Cannon, chief of staff for Howard Baker.

I cannot tell you how thankful I am having had her at my side for the past 13 years. She is a true friend and a trusted adviser. I cannot think of anyone more fittingly described by Lincoln's words.

Great things lie ahead for Emily Reynolds. The sky is the limit. And while I don't know exactly what direction she will travel, I am certain that, as always, the people of Tennessee and the entire United States of America will benefit.

CLIMATE CHANGE

Mr. INHOFE. Mr. President, the hearing we had 3 days ago in the Environment and Public Works Committee is one of the four hearings we have had on climate change. It is probably the most misunderstood of all issues out there today—and the most alarming to a lot of people. This hearing was totally different. This hearing was about how the media is skewing the results, how the media is hyping the anxiety of this thing and totally ignoring the science.

It is kind of interesting. A lot of people are not aware that when you have a hearing, you will have Republicans and Democrats each bringing in experts. We had five experts; two of them were brought in by the Democrats and three by the Republicans.

It was interesting because one of the Democrat witnesses, Dr. Daniel Schrag of Harvard, believes that manmade emissions are driving global warming. Let me clarify this because it is not understood by very many people.

The issue is not that the world is getting warmer. Yes. It is. It is always either getting warmer or cooling. There is never any time when it is static.

So we are going through a warming period. It increased to about 1998, and then it stopped pretty much at that time. But even their witness, who was a believer, said that the Kyoto Protocol is not the right approach to take and agreed it had almost no impact on the climate if all the nations complied.

Probably one of the most major breakthroughs that we have had is the recognition by virtually all scientists that the Kyoto Protocol, which would be devastating to the United States, or any country—ask Great Britain. They will tell you. They signed onto the Kyoto Accord. In fact, if you look at some of the countries, such as Canada, 60 scientists who were advisers to the Prime Minister of Canada are saying if we had known back in the late 1990s the science of today, we would never have done that. Now they are petitioning the Prime Minister to get out of the Kyoto Protocol.

It was kind of interesting. Al Gore, who really believed this was his ticket to the White House back when he was the Vice President of the United States, went to a guy named Tom Quigley, a scientist, and said we would like to know if all the countries—this is back when they were trying to get us in the United States to ratify the Kyoto Protocol—said if all the countries of the developed world were to do this, what effect would that have on the temperature over a 50-year period. He had a neat chart to hold up. He said if all the countries in the developed world, the United States of America and all the other developed nations did this, over 50 years it would reduce the temperature by 6/100ths of 1 degree centigrade, which isn't even measurable.

Now all these people agree with that—all of the scientists who used to be on the other side of the issue.

One of the witnesses there was a paleoclimate researcher, Bob Carter from Australia, the James Cook University. He has gone back to Australia. Everyone recognizes him as being one of the outstanding—in fact, he has been on quite a few TV shows. He says there is a huge uncertainty in every aspect of climate change.

David Deming, a geophysicist, said:

> Every natural disaster that occurs is now linked [by the media] with global warming, no matter how tenuous or impossible the connection. As a result, the public has become vastly misinformed on this and other environmental issues.

That is a significant thing. While we recognize that we are going through a natural period where the climate is getting warmer, it was actually warmer in the 1930s than it is today. It was warmer in the fifteenth century than today.

But during this period of time, they are trying to say it is due to man-emitted gases. They are called antigeometric gases, methane, CO_2. Now they are all realizing that CO_2 has virtually nothing to do with it, and that is why you are seeing so much of the panic in the media. Dan Gainor was one of the only nonscience witnesses. He approached it from an ethical perspective, talking about the one-sided climate coverage, saying it violates the ethical code of the Society of Professional Journalists which urges the media to ''support the open exchange of views. Even views they find repugnant.'' That code calls for reporters to distinguish between advocacy and news reporting which, he says, they have not been doing.

One of those individuals who is a strong supporter of human gases causing climate change, Mike Hulme, the director of the UK-based Tyndall Centre for Climate Change Research, is on the other side of this thing and has now—talking about the media—chastised the media and environmentalists for choosing the ''language of fear and terror'' to scare the public. Hulme noted he has found himself ''increasingly chastised'' by global warming activists because his public statements ''have not satisfied the [activist] thirst for environmental drama and search for exaggerated rhetoric.''

A report in August of 2006 from the UK labor-leaning Institute for Public Policy talked about the way the media is handling it:

> A quasireligious register of doom, death, heaven and hell using words such as ''catastrophe,'' ''chaos'' and ''havoc.''

The report also compared the media's coverage of global warming to ''the unreality of Hollywood films.''

Another individual who was a supporter at one time, David Bellamy from Britain, has come around talking about this. The one I am going to talk about in January at some length is a man named Claude Allegre, the French geophysicist and a former Socialist Party leader. He is the only one I know who is a member of both the French and the United States Academies of Science. Allegre now says the cause of warming remains unknown and the alarmism ''has become a very lucrative business for some people.'' In short, their motive is money. And he is right, it is about money.

One by one, the people, scientists are coming around. This hearing has had more response throughout the Nation. I have lists of newspapers that have editorialized as a result of this. That awakening is taking place, but that is not why I am here today.

TRIBUTE TO JEANE KIRKPATRICK

Mr. INHOFE. Mr. President, our majority leader has been paying tribute to some great people we work with, and I agree with every word he said. However, we have somebody else who needs tribute today.

A real American hero died yesterday. That was Jeane Kirkpatrick. It happens I have been close to Jeane Kirkpatrick for a number of years. People do not realize she was born in Duncan, OK, down in the oil patch. She was the daughter of an oil field wildcatter. I knew her way back in the early stages before she was even brought up by Ronald Reagan to take the lofty positions she held. She was Ronald Reagan's foreign policy adviser in his 1980 campaign and the first woman to hold the position of U.S. Ambassador to the United Nations.

When someone was asking me in the media recently what is the one thing you can say she made the greatest contribution in, I said, she is the first one who called people's attention to what the United Nations is doing, the fact that they have gotten involved in things they should not be involved in. She was one of the last stalwarts to hold out for sovereignty at the United Nations in the United States.

The Washington Times noted Jeane Kirkpatrick's eyes twinkled at the mention of the August 1984 night at the Republican National Convention in Dallas when she eviscerated the liberal Democrats as the ''blame America first crowd.'' Boy, is she right. Look what has been happening.

She was awarded the Medal of Freedom, the Nation's highest civilian honor, in May of 1985. She received her second Department of Defense Distinguished Public Service Medal and has received more medals than any other person I know in her field. In 1991, the Kennedy School at Harvard University established the Kirkpatrick Chair in International Affairs. She served as senior fellow and director of foreign and defense policy studies at the American Enterprise Institute. She is famous for her Kirkpatrick doctrine which advocates United States support of anti-Communist governments around the world. Along with the Empower America codirectors, Bill Bennett and Jack Kemp, she has been active up to the present time.

One of the things we worked on together was the John Bolton nomination. To me, the saddest day is when we found that John Bolton was throwing in the towel. He had been abused enough. The only way to save the United Nations was with John Bolton. She got behind him and pushed him and got him involved.

A lot of people say she is too conservative, but she has been recognized and compared to, of all people, former Senator Daniel Patrick Moynihan. A lot of people do not realize this, but Pat Moynihan was also an Oklahoman. The Chicago Tribune said on November 14 of this year, such distinguished ambassadors as Democrat Daniel Patrick Moynihan and Republican Jeane Kirkpatrick also were criticized for tough talk on occasion, even when their passion proved to be right on point.

In recent years, it was Jeane Kirkpatrick who called my attention to something happening—and I am not blaming anyone in this Senate. A treaty that was called the Law of the Sea Treaty received a 16-to-0 vote from the Senate Committee on Foreign Relations. People did not realize that was a treaty that would turn over to the United Nations the jurisdiction of two-thirds of the entire surface of the world and the air above it. I held hearings as a result of Jeane Kirkpatrick calling this to my attention. We were able to stop it when it was ready to be passed in the next week.

I would say we lost a real hero, a real American hero, someone who has been fighting Communists and fundamental Islamic terrorists for her entire life. She has made a great mark. I love her dearly and will certainly miss Jeane Kirkpatrick.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

TRIBUTE TO BILL HOAGLAND

Mr. FRIST. Mr. President, I rise to pay tribute to one who is known as Mr. Budget of the Senate. When I stepped up to the position of majority leader 4 years ago, my first priority was to hire a staff of capable advisers. When I stepped up, it happened very quickly, so I knew I wanted the best of the best. I already had a wonderful staff devoted to help the people of Tennessee, but what I needed was a core group of people to help me with the larger picture, to set an aggressive agenda and help me get it through.

I knew immediately who I wanted to advise me on budget and appropriations. In an ideal world, I knew exactly who that would be. And, of course, that was Bill Hoagland. I had known Bill and worked with Bill as a freshman Senator when he was staff director of the Budget Committee, then chaired by PETE DOMENICI, and I relied on him through those early days again and again in private meetings and tutorials to show me and to introduce me and my budget staff at the time the budget ropes, the process. So when that Christmas Eve 4 years ago came, I picked up the phone and I called Bill Hoagland. I asked—I pleaded with him—to become a part of my team.

Bill came to the Senate Committee on the Budget in the early 1980s from the Department of Agriculture. He started as a group leader and senior analyst and worked his way up through the ranks to become staff director. After more than two decades on the Budget Committee under Senator DOMENICI, Bill was the acknowledged expert on Senate floor procedure for budget resolutions and appropriations measures. He was there during Gramm-Rudman-Hollings. He was staff director during the Balanced Budget Act of 1995. For 21 years, Bill had a voice in every major Senate budget and appropriations measure. I was certain his expertise would be a tremendous asset to my team. And, indeed, it has been.

Bill has proven his worth time and time again. While serving as my director of budget and appropriations, Bill has played critical roles in ushering forth the Deficit Reduction Act and the Tax Increase Prevention and Reconciliation Act of 2006, and many others.

During these negotiations, Bill's voice is often the voice of reason, practicality, of realism. His plain speaking only enhances credibility as the preeminent authority, the unquestioned preeminent authority on Senate budget and appropriations.

But Bill isn't all business. The Senate Committee on the Budget fondly remembers him for genuinely caring about his staff. They remember his informal Friday late-afternoon happy hours where staff could share stories about the past week and learn things

about activities in the weeks ahead. In fact, they were so fond of those informal get-togethers that the current Republican staff director installed a plaque naming the room after Bill Hoagland.

My own staff and I will always carry memories of Bill bringing the Kentucky Derby to the Capitol with mint juleps on the Dole balcony behind me. And I will never forget Bill's weekly economic reports which I share on a regular basis with my colleagues. They were as much an exercise in dry wit as a profound analysis of the economic outlook.

After some 25 years, Bill has led one of the most distinguished staff careers ever to grace the Senate. On behalf of this Senate, I thank Bill for his dedication as a public servant to this Nation. Never doubt for a moment how much we value your wise counsel, Bill.

I yield the floor.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from North Dakota.

Mr. CONRAD. Mr. President, Bill Hoagland is truly one of the best I have had the chance to serve with in 20 years. Bill Hoagland is deeply knowledgeable, decent, caring. He is one person who has extraordinary credibility on both sides of the aisle.

I have known Bill in my 20 years in the Senate. Throughout that period I have served on the Committee on the Budget. Bill has been, at various times, the staff director or the leadership stamp on these issues. I have enjoyed so many quiet moments with Bill in which we have reflected on things that concern us about the direction of the country. More than that, I have enjoyed his uncommon decency.

Bill Hoagland is somebody who will be very much missed. I believe Bill Hoagland, because of his intense interest in the fiscal affairs of this country, in the economic well-being of our Nation, will always be there to give good advice.

On many occasions I have joked with Bill and made him job offers for far more pay than he was getting on the other side of the aisle. Bill always kind of indulged my humor and never paid too much attention to it because he was firmly rooted on the other side.

Bill Hoagland represents the best of this institution. And it is with real sincerity I say I will very much miss Bill's very good judgment in this Senate. I thank the leader for his remarks about our very good friend, Bill Hoagland.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I have been drafting my farewell comments, and I had a little section in there about my friend Bill Hoagland, but I will just take this opportunity now to add my voice to those who have been talking about Bill.

I cannot tell you how many times in the last few years I have gone up to Bill in the corner of the Chamber over here and asked him what was really going on around here. And Bill Hoagland always knows what is really going on around here. Not only is he an expert on the budget, he is an expert on the Senate, and he is an expert, quite bluntly, in strategy as well as an expert in tactics.

So I thank Bill for his good and wise counsel to me. I know he has supplied that counsel to so many other people in the Senate as well. But I, from a personal point of view, have appreciated Bill very much.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS JACOB D. SPANN

Mr. DEWINE. Mr. President, I rise today to pay tribute to Army PFC Jacob D. Spann from Columbus, OH, who died on February 6, 2006, when a roadside bomb detonated beneath his military vehicle in Iraq. Jacob was 21 years of age at the time.

PFC Spann leaves his father and stepmother Larry and Libby, his mother and stepfather Deborah and Dennis, brothers Derek, Adam, Joe, Josh, and Chris, sisters Sonni, Sarah, Erin, and Helen, and grandmother Jean.

Jacob Spann—known to family and friends as Jake, Jakey, and sometimes even Jake the Snake—graduated from Westerville North High School in 2003, and was known for his way of walking into a room and lighting it up with his smile and big blue eyes. He had a talent of being serious one minute, and fun-loving and light-hearted the next.

While at North High, Jake participated in wrestling, track, and football. He had a natural athletic ability and was always looking to immerse himself in something new and exciting. Dean of students and head football coach at North High Chad Williams was assistant coach when Jake was a linebacker. He remembers Jake as ''an extremely hardworking, dedicated football player.'' In his words, ''[Jake] was a kid who knew he was going to do everything he could for the team.''

Always most important for Jake were his family and friends. He was a true and loyal friend to his high school classmates. It was here that Jake met and started dating the love of his life, Abby Van Huffel.

After graduating, Jake took courses at Columbus State Community College and worked in an autobody shop. The auto-body shop allowed him to express a love of art that he had ever since he was a child, when he would spend hours drawing and painting. If he didn't make the Marines, he was thinking of opening his own shop. But Jake felt compelled to join the Marines.

Jake joined the Corps in January 2005. He was assigned to Battalion Landing Team's 1st battalion, 2nd Regiment, 22nd Expeditionary Unit, 2nd Expeditionary Force, based at Camp Lejeune, NC. Jake was well-liked by those who he worked with in the military. His senior drill instructor wrote the following to Jake's family on an Internet tribute Web site:

> I would like to express my deepest sympathies to the Spann Family. I was your son's Senior Drill Instructor while he was in Boot Camp. I have spoken to two of the Drill Instructors who worked that Platoon with me, and your son's death has had a profound impact on all of us. I was deeply saddened when I saw it in the Marine Corps Times. Your son was a very good recruit, and I know he was a good Marine.

Jake deployed to Iraq in November 2005. As always, however, before he left, he was thinking more of others than of himself. With the few days he had before leaving, he returned to Westerville for a visit and took Abby out for a special birthday dinner. Abby's birthday wasn't until December, but Jake would be far away then, and he didn't want to miss celebrating with the girl he loved.

Before leaving, Jake also gave his mother Deborah a special present. It was a pendant on a chain—a Marine Mother's Medal of Honor. Deborah has worn it everyday since. ''We have a large and loving family,'' she said, speaking of her son's love for those in his life. ''His family came first and his Abby came first, and he loved us more than anything. And he loved his country, and we respect that.''

According to his older sister Sonni, Jake was very proud when he left for Iraq. The Marines had given him the confidence he had been searching for. In conversations with his stepfather, he had even spoken of becoming a drill sergeant one day.

It was typical of Jake that when he called home from Iraq, he wanted to talk more about the ones he cared about than himself. He wanted all the news he could get about his family—particularly his five brothers, four sisters, and four nieces and nephews. Jake loved to call and talk to his mom, whom he loved with all his heart.

Jake Spann was an excellent marine. Fellow platoon brother Lance Corporal Monhollen said this about Jake:

> I was in the same platoon as Spann in Boot Camp. He was a leader then and was a leader before he died. He was also a great friend.

Jake will be deeply missed by all who knew and loved him. He is an inspiration to many students at Westerville North High School. In the words of Chad Williams:

> While a lot of our kids don't have a personal connection with Jake, they really feel he's a part of the Warrior football family, and they've asked me a lot about him. I think that's kind of the best way to honor someone. A lot of young kids are asking about him and want to live up to the same honor and characteristics he had.

After Jake died, the lettering outside his old high school was changed to proclaim: ''Jacob Spann—An Ultimate Warrior.''

Jake's mother finds it comforting that he did not return home from Iraq alone. She tells a story of how six of the family's best friends were out of the country when they heard the news that Jake had died. When traveling home, their return trip was full of delays. The pilot finally came on and informed the passengers that there

would be one final delay, as the plane was waiting for a ''very special passenger''—a fallen soldier. ''Our friends realized it was our son,'' Deborah said. ''Things happen for a reason. They brought him home to us and he was escorted by a Marine who would not leave his side until he was where he needed to be.''

This was a fitting, final journey for a young man who had always been surrounded by loving family and friends. Countless mourners attended Jake's funeral and burial services to pay their respects and offer comfort to Jake's family. According to Jake's mom, the toughest challenge Jake would have faced returning home would have been selecting the perfect ring for the planned engagement and wedding to Abby.

At the funeral, Jake's brother read a letter from Abby, who said she had been expecting to write wedding vows—not a eulogy. The letter ended with the line, ''I will always be here loving you.'' On the marble of Jake's tombstone, Abby is remembered as his ''soul mate.''

Marine PFC Jacob Spann was a fine man of whom we can all be proud. He was loved by his community, his family, his friends, and his Abby. His life and the sacrifice he made for our Nation will never be forgotten.

My wife Fran and I continue to keep Jacob's friends and family in our thoughts and prayers.

MAJOR GUY BARATTIERI

Mr. President, I rise today to pay tribute to Army MAJ Guy Barattieri, originally of the Pleasant Ridge neighborhood of Cincinnati, OH. A member of the National Guard's Alpha Company, 1st Battalion, 19th Special Forces Group, based in Buckley, WA, Major Barattieri was working in a civilian contract capacity on October 4, 2006, when he was killed by a roadside bomb in Iraq. He was 36 years of age at the time.

Guy—known fondly by friends and family as ''Bear''—was born on June 21, 1970, and raised in Pleasant Ridge. He attended Nativity School and was a linebacker on the 1986 State Champion Purcell Marian High School football team.

Cliff Pope, a teammate of Bear's and his closest friend, remembers him as someone who ''had a passion and intensity that was infectious to us all.''

According to his uncle Larry Wheatley, Bear had always loved the military—had loved it ever since he was just a small boy. When he was accepted into the United States Military Academy at West Point, it was a dream come true for him. Once at West Point, however, injuries kept Bear from continuing to play football.

Chris Jenks is one of Bear's former classmates and teammates from West Point. He remembers the ''never-quit'' attitude with which Bear approached his injury. He wrote the following in Bear's memory on an Internet tribute Web site:

> Army doctors told Bear that he could no longer play football. Bear took that in stride, and . . . decided that, technically, the doctors never said he couldn't play Rugby, [so] he started playing rugby, [instead].

After graduating from West Point in 1992, Bear attended the Infantry Officer's Basic Course Ranger School and the Mortar Course before being stationed in Baumholder, Germany. He later attended the Intelligence Officer Advanced Course and branched out to the Special Forces. His friend Chris Jenks remembers how impressed he always was by Bear's ''innate'' infantry leadership skills. ''Some things you can train or teach,'' he said. ''Some things you are born with.''

In 2001, Bear joined the Seattle Police, where he was president of his academy class. Bear's friend Detective Nick Bauer, who was his field-training officer, described Bear with the following words:

> [He was an] absolutely distinguished soldier, and a distinguished officer—an extraordinary man, one of those guys who won the hearts and minds of everyone he came in contact with.

Bear remained with the Seattle Police Department until 2004.

In 2002, Bear went on active duty as a detachment commander in Kuwait. When the 101st Infantry Division entered Baghdad in March 2003, Bear's team was at the lead. For the role that he played, he received a Bronze Star and Combat Infantryman's badge.

Without question, Bear made an impact in Iraq. He participated in multiple missions, during which he captured three of the most wanted members of Saddam Hussein's government—individuals who had been depicted on the deck of playing cards issued by the U.S. Military.

Bear was a dedicated and excellent soldier. But he was also something more—a loving and devoted family man. For Bear, those he loved always came first. On December 11, 2005, Bear married the love of his life—Laurel. They adored each other. He was a loving father to his two girls—his 6-year-old stepdaughter Rees, and Odessa, who was born on July 19, 2006. He loved his family more than anything else in the world.

Family friend Mary Mascarella remembers that Bear was a doting father. He would take Rees to swimming lessons, make her lunch, and take her to school. And, when Odessa was just 3 weeks old, the family was visited by Bear's stepmother Barbara. Barbara remembers how excited he was about their new daughter. ''It was his first baby,'' she said, ''and he did it all—diapers and everything.''

I had the privilege of seeing several photos of Bear with his family. One is from his wedding, with a beaming Laurel on one arm and Rees cradled in the other. Another picture shows Bear with the newborn Odessa in his arms. It is clear from looking at these pictures, how incredibly happy Bear's family made him.

Even when he was away from home, Bear's pride and delight in his family was apparent. In a tribute to Bear created by FOXNews, John Fiegener remembers the way Bear lit up at the mention of his family. He wrote:

> [His] quick smile was one of the things that struck me most about Bear, and his biggest smiles were reserved for the many frequent mentions of his family back home. He never hesitated to show pictures of his wife, his daughter, and eventually, his newborn baby girl.

In Iraq, Bear was the head of the security team at the FOX Baghdad office, and was there in October 2005 when car bombs destroyed the hotel where they were located. On the FOXNews tribute Web site, Gordon Robinson remembers how important Bear was at that time. He wrote this about him:

> Bear was the person who held all of us together, both as individuals and as a news bureau. . . . Throughout it all, he remained calm. When it was over, he was confident and smiling, and that attitude helped the rest of us to understand that we, too, were going to make it through.

Cliff Pope had met Bear during their freshman year of high school at Purcell Marian. He remembers how committed Bear was to the ideals of freedom and democracy. In Cliff's words:

> Bear believed in America, he believed in democracy, and he believed in his heart that God put him on this earth to protect this country. And, he lost his life serving out what he felt was his life's mission, which was protecting others.

There are perhaps no better words than those to describe the type of man that Bear was. He was simply someone who cared. His friends, his family, and his Nation are all proud of his service, and we owe him our eternal gratitude.

My wife Fran and I continue to keep the family of MAJ Guy Barattieri—his wife Laurel and his daughters Rees and Odessa, his mother Patricia Wheatley, his father and stepmother Dick and Barbara Barattieri, and his sisters Nicole, Becky, and Gina—all in our thoughts and in our prayers.

SY JASON LUCIO

Mr. President, I rise today to honor the memory of a brave man from Clyde, OH—Sy Jason Lucio. Sy was working as a civilian technician in Afghanistan, when on April 6, 2005, he boarded a transport helicopter bound for Bagram Air Force Base. Less than 100 miles from their landing spot in Afghanistan, rough weather forced his Chinook helicopter to the ground, killing all onboard.

Sy leaves his son Lars, his mother Sally, his father Stanley, and his sister Hannah.

Sy attended Clyde High School, where he was known for his energy and intelligence. After moving to Toledo and graduating from Swanton High School, he decided to attend Penta Career Center. Over the next few months, he quickly absorbed whatever his instructors threw at him. Sy was well on his way to becoming an electrician of international caliber.

Being the skilled technician that he was, he was an avid motorcycle enthusiast and bought himself a Buell, which he rode whenever he got the chance. He, like many young men before him, enjoyed the sound of the engine, the freedom, and the exhilaration.

Sy also loved camping. In his youth, his parents took him on many trips to the countryside. Perhaps it was there that his sense of adventure was born. More than anything, though, Sy loved spending time with his son Lars.

Sy's mother Sally remembers how he was happiest rolling around on the floor with Lars and the other children in the family. She said that ''he was such a good daddy. I knew he'd be a good father, but he exceeded my expectations.''

It was hard for Sy to leave his family behind him, but he knew there was plenty of work for a skilled electrician in Afghanistan. To support his family, to see the world, and to help his fellow countrymen, Sy joined on with a U.S. contractor, and in early January 2005, he traveled to their Texas headquarters for training. From there, he flew to Afghanistan.

Sy entered this strange new world with confidence. He knew he had the skills, and he knew he could make a difference in the lives of our servicemembers and the lives of the Afghan people.

Sy's supervisor shared his memories of the brave young man. These are his recollections:

> Sy [sigh] had great electrical skills. He was a quiet man, but very personable, and he often talked about his son. He really cared about what he was doing and he was proud of the contributions he was making. . . .

Indeed, Sy had so much about which to be proud. He traveled to operating bases in far-flung parts of Afghanistan. Whatever the harsh environment did to the military's equipment, Sy was there to fix. Day-in and day-out, our servicemembers rely on the best hardware and technical support in the world. Sy's knowledge and ability gave our American military confidence in their equipment. There is no doubt that his work saved lives.

Mr. President, those who knew Sy remember him more for how he lived, than for how he left this earth. They remember his intelligence, his kindness, his adventurous spirit, and his strong moral convictions. They remember how he never wanted anyone to worry about him.

Indeed, Sy left an indelible mark on this world, in the memories of his loved ones, and in the lives he changed through his great work. As his cousin, Sarah Wilson, said, ''He was a hard-working guy, a very loving guy, and a great father. He would do anything for anybody.''

Sy was a thoughtful and quiet man. He had a soft half-smile, which relatives said he often wore instead of a grin so that people wouldn't see his dimples.

Mike Urbine, Sy's instructor at Penta Career Center, knew that he was enthusiastic about his career, and he saw Sy's intelligence reflected in his work. This is what he said about Sy:

> He seemed to have a clear head on his shoulders and was a highly energetic individual. He was a pleasure to work with. He was adventurous. I can see him going to foreign lands and working for a big contractor.

Sy's father Stanley remembers his son as a strong family man. He remembers Sy the patriot, and Sy the man, who—despite his youth—was elected to the central committee of the Lucas County Democrat party. Stanley said the following of his son, ''He believed in the union. He believed in his son and taking care of him. He believed in God.''

Mr. President, Sy Lucio may not have worn a uniform, but he was serving his Nation. He worked alongside our service members, he traveled with them, and he worked to protect them by ensuring the good working order and safety of their equipment. His death makes it abundantly clear that he shared many of the same risks. Whatever titles he held, career-wise, though, he was first and foremost a loving father, an adventurer, and a brave American. He died a hero.

My wife Fran and I continue to keep Sy's family in our thoughts and prayers.

PRIVATE FIRST CLASS SAMUEL BOWEN

Mr. President, I rise today to honor and remember a fellow Ohioan—Army PFC Samuel Bowen, from Cleveland, who lost his life on July 7, 2004, while serving our country in Iraq.

Private First Class Bowen leaves his wife Melanie, their three children Tiust, Darius, and Breonna, his mother Elsie, and his two sisters Consuella and Tamatha.

Samuel—Sam to friends and family—was loved by everyone he met. Known for his friendly face, Sam was the ''big man with a big heart, intimidating in size, but soft-spoken and kind.''

His demeanor made him a favorite among those who knew him. He was well-liked by the patrons who frequented the restaurants where he cooked. And he was loved by his fellow Ohio National Guardsmen, who fought by his side.

Sam spent most of his life in Berlin, MD, before moving to Cleveland. He was the middle child between two sisters. His mother described Sam as a typical boy who liked to take things apart and put them back together. At 8 years old, he would tag along with the local electrician who gave him his own tool belt. Other fond memories include one when Sam was 3 years old and liked to stand on the kitchen stool to cook a scrambled egg breakfast for his sisters.

Four years after graduating from Stephen Decatur High in Berlin, MD, Sam enlisted in the Army where he honed the cooking skills he had practiced as a young boy. After retiring from active duty, Sam joined the Reserves and was stationed in Iraq this past December as a member of the Ohio Army National Guard's 216th Engineering Battalion based in Akron, OH.

Although he was on the other side of the world, Sam made sure to keep in touch with his family, especially his wife Melanie and their children. Sam's sister Consuella remembers that Sam would often leave messages on her answering machine—messages she has not erased.

Consuella described her brother with these words: ''nice and always doing [things] for others. That was his thing—always doing for others, trying to take care of everybody else.'' That's exactly what he did.

While in Iraq, Sam risked his life to save another soldier in his unit, his comrade Ron Eaton. On June 16, 2004, Sam and Ron were outside an Army PX store in the intense Iraqi heat, buying Gatorade, when grenades were thrown at them. Several rounds came their way and shrapnel flew through the air injuring Ron and forcing him to the ground. Without regard for his own safety, Sam grabbed Ron and pulled him to safety while explosions erupted around them. Ron credits Sam with saving his life in the incident that claimed the lives of three soldiers and injured 25.

Sam was one of the first to call Ron following his surgery for the injuries he sustained before Sam pulled him out of danger. Ron recalled that Sam wanted to hear his voice to make sure his ''battle buddy'' was okay. Ron was looking forward to meeting Sam's family and wanted to thank him in person for saving his life.

Tragically, Ron will never have that chance, as Sam was killed when a rocket-propelled grenade exploded near his vehicle in Samarra, Iraq on July 7, 2004.

Sam Bowen was a hero—an American hero, whom we should remember the same way his family will—as ''always doing the right thing.''

Just like Ron Eaton, we will never be able to fully thank Sam for his selflessness. We will never be able to adequately express our respect for this man, who gave the ultimate sacrifice.

At times like this, I am reminded of something that President Reagan said almost 20 years ago at a Veteran's Day Celebration:

> There is a special sadness that accompanies the death of a serviceman, for we're never quite good enough to them—not really; we can't be, because what they gave us is beyond our powers to repay. And so, when a serviceman dies, it's a tear in the fabric, a break in the whole, and all we can do is remember.

Today, I stand here so that we may all remember Army PFC Samuel Bowen and the sacrifice he made for our country.

I had the privilege of meeting Sam's family and friends at Sam's calling hours, and I know that they will forever remember his smiling face, his friendly demeanor, and giving attitude.

My wife Fran and I continue to keep Sam's family and friends in our thoughts and prayers.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LANCE CORPORAL JONATHAN ETTERLING

Mr. President, I rise today to pay tribute to Marine LCpl Jonathan Etterling, from Wheelersburg, OH, who died on January 26, 2005, in a helicopter crash near Rutbah, Iraq. He was 22 years old. He is survived by his parents William and Kay and his sister Angela.

Born December 27, 1982, in Portsmouth, OH, Jonathan—Jon to his family and friends—was fascinated by military life from a young age. As a boy, his mother remembers him spending hours taking apart a rifle and putting it back together. His bedroom walls were covered with military posters. He loved war stories and movies—anything that represented bravery, selflessness, and sacrifice.

Jon's decision to join the Marines didn't surprise anyone who knew him. As his Sunday school teacher Cathy Sizemore said, ''Some people have a higher calling. Jon's was his country.''

Although Jon was the Etterling's only son, Jon had three surrogate brothers growing up—his lifelong friends James Howard, Josh Huddleston, and Alex Watts. The three met as young kids growing up on the playgrounds of Wheelersburg.

Alex remembers meeting Jon in first grade. Standing in knee high tube socks and sporting a goofy grin, Jon had asked him, ''Hey—you wanna be friends?'' Alex, shy and somewhat surprised, was happy to agree. Like so many other people, he was drawn to Jon's good-natured enthusiasm. Quickly Jon, James, Alex, and Josh became inseparable, causing others to jokingly refer to them as the Four Musketeers.

As a cheerful, easy-going student at Wheelersburg High School, Jon excelled in the classroom and on the playing fields. He demonstrated boundless energy and dedication, playing nose tackle on the football team, running track, singing in the chorus, and acting in plays. He was, as his high school superintendent described, ''an outstanding young man . . . one of those kids who made you smile just being around him.''

Jon was also an extremely hard worker. Jon was always trying to better himself, doing everything his athletic coaches asked of him. This work ethic earned Jon the respect of fellow teammates and coaches. One of his football teammates, Bryan Yelley, said this of Jon's attitude:

> He was just one of those guys who got along with everybody. He played hard—did everything as hard as he could. Whenever he did something, he did it to the full extent of his capabilities. As a person, he was everybody's friend.

Jon strove for excellence in everything he attempted. This straightforward approach to life would help him achieve his lifelong dream of becoming a Marine. Regarding Jon's goal of serving our country, his football coach, Jim Gill, had this to say:

> He was always interested in the military. I think when he joined the Marines and reached boot camp, he reached his goals. [With] the dedication he put into things he did, there was never any doubt he would succeed.''

Jon's former defensive ends coach Dave Pyles agreed. ''Jon fit the bill of a Marine,'' he said. ''Being the first in, that was him.'' For Jon, there was no greater privilege than to serve and protect this country.

Upon graduation from Wheelersburg High School in 2002, Jon and his three closest friends—James, Josh, and Alex—joined the Marines and endured the rigors of boot camp—together. Unsurprisingly, Jon's dedication was evident during this challenging time. His friends described him as ''the rock''—the one who they could all depend on for strength and resolve. Among the very best of the Marine Corps, Jon stood out.

After completing his training at Parris Island, Jon was stationed in Hawaii and spent 3 months in Thailand—plus time in Okinawa, Korea, and Japan—before going to Iraq. During this time, he was able to see and explore a world much larger than most could imagine.

When Jon arrived in Iraq, he immediately moved to the front lines, near Fallujah. He was enthusiastic about his job and excited to be there. He wanted to make a difference. His father remembers that Jon was doing what he loved—what he believed in. As his sister Angie said, ''My brother was very much military material.''

I had the privilege of attending Marine Lance Corporal Etterling's funeral and to meet his family and to see the overwhelming outpouring of love and support. Jon's three best friends—his brothers—James Howard, Josh Huddleston, and Alex Watts were able to attend the funeral, as well. The Four Musketeers were united once again.

Jon's life and his service to this country will not be forgotten. Upbeat and cheerful, he was always willing to lend a hand to those who needed it. He could be counted on to do the right thing. He had an incredible work ethic, a strong faith, and a deep respect for others. And no matter how difficult they were, he always accomplished his goals.

His father summed it up best, when he said: ''I just can't be more proud of him.''

My wife Fran and I continue to keep the family and friends of Lance Corporal Jonathan Etterling in our thoughts and prayers.

EFFECTIVE PHYSICIAN ASSISTANCE FOR DRUG TREATMENT ACT

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 4115, which was introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (S. 4115) to amend the Controlled Substances Act to increase the effectiveness of physician assistance for drug treatment.

There being no objection, the Senate proceeded to consider the bill.

Mr. DEWINE. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 4115) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 4115

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 ''Effective Physician Assistance for Drug Treatment Act''.

SEC. 2. CONTROLLED SUBSTANCES ACT AMENDMENTS.

Section 303(g)(2) of the Controlled Substances Act (21 U.S.C. 823(g)(2)) is amended—

(1) in subparagraph (B)(iii), by striking ''except that the'' and inserting the following: ''unless, not sooner than 1 year after the date on which the practitioner submitted the initial notification, the practitioner submits a second notification to the Secretary of the need and intent of the practitioner to treat up to 100 patients. A second notification under this clause shall contain the certifications required by clauses (i) and (ii) of this subparagraph. The''; and

(2) in subparagraph (J)—

(A) in clause (i), by striking ''thereafter'' and all that follows through the period and inserting ''thereafter.'';

(B) in clause (ii), by striking ''Drug Addiction Treatment Act of 2000'' and inserting ''Effective Physician Assistance for Drug Treatment Act''; and

(C) in clause (iii), by striking ''this paragraph should not remain in effect, this paragraph ceases to be in effect'' and inserting ''subparagraph (B)(iii) should be applied by limiting the total number of patients a practitioner may treat to 30, then the provisions in such subparagraph (B)(iii) permitting more than 30 patients shall not apply, effective''.

PREVENTING THE MISUSE OF THE RED CRESCENT EMBLEM

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6338, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (H.R. 6338) to amend title 18, United States Code, to prevent and repress the misuse of the Red Crescent distinctive emblem and the Third Protocol (Red Crystal) distinctive emblem.

There being no objection, the Senate proceeded to consider the bill.

Mr. DEWINE. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6338) was ordered to a third reading, was read the third time, and passed.

Mr. DEWINE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DEMINT). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING SENATORIAL SERVICE

PAUL SARBANES

Mr. HARKIN. Mr. President, with the close of the 109th Congress, the Senate will lose to retirement one of our most seasoned and respected Members—Senator PAUL SARBANES of Maryland. Across five terms in this body and before that three terms in the House of Representatives, where I was privileged to serve with him also, PAUL SARBANES has made his mark as a serious and diligent legislator, a classic workhorse Senator rather than a showhorse Senator. The Baltimore Sun has called him the silver fox Senator who ''works quietly but with shrewd skillfulness.''

I have always respected and admired Senator SARBANES, both as a stalwart Democrat and also always a proud, unabashed progressive.

As a young man, he graduated from Princeton and went on to Oxford as a Rhodes Scholar and then Harvard Law School. But he never forgot his experiences growing up among the families of Maryland's Eastern Shore. He never forgot his roots as the son of a Greek immigrant who worked long hours to build a successful restaurant business.

In the Senate, PAUL SARBANES has been outspoken in his support for public schools, expanded access to higher education, to job training, and the other essential rungs on the ladder of economic opportunity in America.

He has fought to protect Social Security, to clean up corruption in the business world. In the wake of the Enron and WorldCom scandals, Senator SARBANES took the lead in crafting legislation to prevent the recurrence of the rampant accounting fraud that was destroying confidence in corporate America.

In the early years of this past decade, in classic Sarbanes style—methodically, thoughtfully, and minimum of partisanship—he held 10 hearings on the issue in 2002, listening to all points of view. The result is known universally as the Sarbanes-Oxley law which cleaned up the accounting industry and mandated new disclosure and conflict-of-interest reporting requirements on U.S. corporations.

There are many reasons why PAUL SARBANES is the longest serving Senator in Maryland history. Throughout his career in this body, he has fought hard on issues of special importance to Maryland, including legislation to protect the Chesapeake Bay. But he has never lost touch with his roots among working people and the immigrant community.

He has always been a model public servant, a person of enormous intellect, intelligence, integrity, and industry. For 30 years in the Senate, PAUL SARBANES has faithfully served the people of Maryland and the people of the United States, and there is no doubt he will pursue new avenues of public service in retirement.

I will miss his friendship, I will miss his wise counsel in the Senate, but I wish PAUL and also his wonderful wife Christine all the best in the years ahead.

MARK DAYTON

Mr. President, I would like to follow that up by expressing my respect and admiration for a longtime friend of mine, my neighbor to the north, so to speak, who is also retiring this year; that is, our Senator from Minnesota, MARK DAYTON.

Senator DAYTON is a public servant in the purest sense of that term. He did not come to the Senate 6 years ago in search of status or celebrity or power for power's sake. He has never sought the spotlight. He came here for one reason: to serve the people of Minnesota and of the United States. He has done so in a diligent, consistent, and selfless manner.

I especially appreciate the way Senator DAYTON has followed in the progressive tradition of Minnesota's great Senators, Hubert Humphrey, Gene McCarthy, Chris Mondale, and Paul Wellstone. On issue after issue, he has fought for working people and their families, for seniors, and for the least fortunate among us. To take just one case in point, no Senator has been more persistent and eloquent in fighting to allow seniors to purchase prescription drugs in Canada where pharmaceuticals are oftentimes less expensive. He has donated his entire Senate salary to the Minnesota Senior Federation to help finance trips on the ''Prescription Express'' to purchase cheaper drugs in Canada, and he has gone to bat for seniors when they were harassed by border agents upon their return.

To his everlasting credit, Senator DAYTON voted against a resolution effectively authorizing the war in Iraq. He spoke out passionately against the dangers of launching that war. He has used his seat on the Armed Services Committee to take the administration to task for its multiple mistakes and failures in conducting that war. There has been a singular absence of effective oversight of this war on the part of this Congress, but as an individual Senator, MARK DAYTON has done his best to fill that vacuum. On the Armed Services Committee, he has been courageous and outspoken, and we will remember him for that.

Throughout his adult life, MARK DAYTON has been devoted to serving others and looking out for those in the shadows of life. After graduating from Yale, he could have gone on in the family retail business. He could have coasted on his family's wealth, but he chose a very different course. He chose to work as a teacher for 3 years in a pretty tough public school on Manhattan's Lower East Side. Later he went to work as a counselor for runaway young people, as chief financial officer of a social service agency in Boston, and then as a staffer to Senator Walter Mondale. After returning home to Minnesota, he also served as the commissioner of the Minnesota Department of Energy and Economic Development. He was elected State auditor in 1990.

I think the first time I met MARK DAYTON, I was a Congressman in Iowa and he was running for the Senate in Minnesota, and that was 1982. I went up to campaign for him. I had been involved in agriculture and agricultural endeavors, and so I went up to meet with them and met this young guy running for the Senate. He was unsuccessful that year—I hope not due to the fact that I went to campaign for him. He was unsuccessful that year, but he never gave up. He never gave up trying to find new avenues to serving the people of Minnesota.

As I said, that culminated in him serving as the commissioner of the Department of Energy and Economic Development for a number of years under Governor Perpich and then being elected in his own right as the State auditor in 1990. Under his leadership as State auditor of Minnesota, he did a lot to make sure that State government was running efficiently and effectively and transparently and making sure the auditor's office kept a check on all the different agencies in Minnesota to make sure they were expending the taxpayers' dollars wisely and legally and transparently.

So I was delighted when, even though in 1982 he didn't make it to the Senate, he then made it in the year 2000. In the last 6 years, again, as I said, MARK DAYTON has devoted himself selflessly to helping people less fortunate in our society. His common theme has been amplified powerfully: his passion for public service and his commitment to looking out for others. So I have no doubt that MARK will pursue other avenues of public service in the years ahead.

I will miss his friendship here on the Senate floor, but our friendship will continue. I know that in whatever capacity he can find, he will do what he can to make Minnesota and our country a better, fairer, and more just place for all its citizens. I certainly wish my good friend MARK DAYTON the best in the years ahead.

HEAD START PROGRAM REAUTHORIZATION

Mr. HARKIN. Mr. President, I now turn to a topic not as good as what I just talked about. In the final hours of the Congress, as we have here today—maybe going into tomorrow—I am always amazed at how those who are well off in our society, those who are doing quite well, how they always get taken care of in the final hours when the Congress closes down. Tax extenders—why, there is stuff for everybody in there, for the people who are doing well. A continuing resolution will come through, basically taking care of all the running of Government. We have a few other cats and dogs coming through here. It is always at this time that I am amazed at how often it is that people who are at the bottom rung of our ladder economically speaking fall through the cracks and no one cares. Hey, we have business to do here. We have to get the tax extenders through. We have to get out of here and go home.

Because of the failure of the Appropriations Committee in the House, because of their failure to do a small extension, which I will explain in a second, because of their failure, beginning in January, 54,000 kids will not be able to go to Head Start Programs in this country. Fifty-four thousand kids have been in Head Start Programs in December and November, but in January, January 3—they probably won't be going to Head Start. Now, again, they will only be out for a couple of months because once we get back in here and we do another extension, either a CR—a continuing resolution—or an omnibus bill, we will take care of it. The authorizers aren't opposed to it; I have checked with them. The appropriators aren't opposed to it. But it wasn't put in the bill. They filed the rule in the House, and they can't change it, they say, now.

Let me describe what I am talking about, why 54,000 kids—poor kids—won't get Head Start beginning in January. What happened was on January 18, 2001, a rule was promulgated from the Department of Health and Human Services. A rule was promulgated which said that by January 18, 2006—last January 18—it required that all Head Start children be transported only on buses that are or very closely match school buses. Well, I have pointed out continually since that time that this is very onerous for a lot of kids who are now transported on paratransit buses. These are transportation vehicles which are not school buses, but they are paratransit vehicles which usually take the elderly to places or they take people with disabilities to work or to shop or whatever. They are paratransit vehicles. They are usually smaller vehicles, but they are not a ''schoolbus.'' But they are effectively used, and have been for many years, to transport kids to Head Start Programs. Of course, the children are transported in child safety seats that are placed on the paratransit buses.

Well, they estimate there are about 54,000 kids in America today who get transported to and from Head Start using paratransit. The rule which said they had to go on schoolbuses was supposed to go into effect last January 18. Well, it didn't. Why? Because a lot of us here bipartisanly said: Wait a minute, this is not right. This is not right. We need to fix this.

Well, how do you fix it? You fix it with Head Start reauthorization. The last Head Start reauthorization was in 1998. We thought there was going to be a Head Start reauthorization this year. We thought, finally, this year we are going to get a Head Start reauthorization bill and we will take care of this mess created by this rule of the Department of Health and Human Services. So we extended this deadline from January 18; we extended it until June.

Well, they still hadn't passed a Head Start reauthorization, so on the Katrina supplemental we extended it until December 31 of this year. So what we did was we extended a moratorium, an abeyance of that rule until December 31 of this year so that kids—Head Start kids had been riding paratransit buses to and from Head Start since—well, for years but since January 18 of this year when that rule was supposed to go into effect, the rule that said they can't ride them anymore, which, again, is nonsense—nonsense. It is much cheaper, it is just as effective, and there are a number of other reasons why riding these paratransit buses are fine for these kids. So we put it off. We held this rule in abeyance until December 31; that is, this December 31. Once again, we didn't get a Head Start reauthorization, so we wanted to extend it again past December 31. So how do you extend it? You extend it on the appropriations bill, the continuing resolution.

Now, had we done our job and gotten the various appropriations bills up, we would have put this in the Labor, Health and Human Services, and Education appropriations bill. We would have extended the time probably until next September 30 to give us time to pass a Head Start reauthorization. So I called over last night. I talked to the staff director of the House Appropriations Committee. I told him about this: Can't you put it in? There is no opposition to it. Well, they didn't put it in. I called him today. He said, well, he checked with the authorizing committee and he said the authorizing committee was opposed to it. I couldn't believe it. So I called the chairman of the authorizing committee, Congressman MCKEON from California, with whom I have worked in the past. I talked to him about it. He got back to me and he said: I don't have any opposition to it. I checked with the appropriators; the appropriators didn't have any opposition to it on either side of the aisle. They thought: Yes, this is fine. But it was left out.

You know, if this had been a provision to take care of some wealthy people in this country, some special interest group, you can bet it would not have been dropped. It wouldn't have been dropped. But now 54,000 kids won't get to go to Head Start.

I mentioned that to someone today, and here is what they said: Well, why can't their mamas take them? I am not talking about kids who have BMWs or SUVs. These are poor kids. They don't have cars. They don't have vehicles. I am not talking about middle-income kids who live in the suburbs; I am talking about the poorest kids in our country going to Head Start Programs. They don't have mamas who can take them in an SUV or a carpool. So here we are.

So I put the word out. I said: Well, when that CR comes over here, it is amendable. I will offer an amendment to put it on there. There is no cost. Everybody is for it. Nobody wants to object. Now I hear that if I do, there will be a motion to table my amendment. They will table it because the House will send over their continuing resolution and then they are going to go home, adjourn and go home. So if I offered my amendment, and if it were to pass, it would mean the House would either have to stay in or come back.

Then they will tell me, Oh, you can't do that, HARKIN, because don't you know the Government will shut down. You see, the continuing resolution that we are on now funds the Government until midnight tonight. They will say if you do that, they will have to come back, it will shut the Government down, and blah, blah, blah. Mr. President, those 54,000 kids not going to Head Start, January, February, maybe March until we can get our bill through, I think is more important—I stand tonight to tell you and tell anyone who is watching, it is more important for those 54,000 kids to go to Head Start in January, February, and March than it is to allow 435 Congressmen to get out of town and go home. It is more important.

Once in a while I have gotten a reputation around here for doing things in the last hour. Usually it is because something such as this happens. It seems to me it is always true that at the end, the final hour, it is something such as this, and some on the bottom rungs of the economic or social ladder of this country get dropped and forgotten. We ought to be ashamed of ourselves. We can't fix this? We can't take care of this? Because they filed, they have a rule, this and that?

I tried to get this on the postal reform bill. There is a postal reform bill out there floating around someplace. Oh, we can't do it now. They are done writing it and blah, blah, blah. We just can't do it.

It is a shame, isn't it? It is a shame that we can take care of the rich and the powerful, it is a shame that we can take care of postal reform. It is a shame we can take care of continuing the resolution to keep everyone paid in the Federal Government. But, we can't

find it in ourselves somehow to take care of these kids, these Head Start kids. We are just going to say I am sorry, that is the way it is.

I haven't made up my mind yet whether I am going to offer this amendment tonight, or whenever that CR gets over. I have a right to. It will probably get tabled which means killed. The word has already gone out that we will probably have to table the Harkin amendment. I suppose people will say there goes HARKIN again. We want to get out of town and he has something else.

I don't know. I haven't made up my mind yet. I wanted to set the record straight. You are going to hear about it. Senators are going to hear about this in January. You are going to hear about the fact that Head Start kids for some reason can't get on these paratransit buses and we are wondering why it happened.

I don't know, I may offer the amendment tonight, and if someone moves to table, I may ask for a rollcall vote, and we will see how important 54,000 kids are compared to 435 Congressmen over there who can't come back in a moment to take care of these kids in January and February, the coldest parts of the winter in certain parts of our country. So we will have to see, we will see what happens to the CR when it comes over. I guess I want to tell my colleagues they will probably have to vote on this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

HONORING JEANE KIRKPATRICK

Mr. KYL. Mr. President, I rise to pay homage to a very special lady. I mourn her passing today, a great American patriot, Jeane Jordan Kirkpatrick. She, of course, is best known as our Ambassador to the United Nations under the Presidency of Ronald Reagan, but her history was of a dedicated American in public service before that.

She first rose to international prominence as a foreign policy adviser to Ronald Reagan's first Presidential campaign. Although she considered herself a Democrat at that time, she always placed principle above partisanship. In Governor Reagan, she saw a man who shared her commitment to freedom and democracy and was willing to call evil by name.

As America's first female permanent representative to the United Nations, Jeane served President Reagan from 1981 to 1985, and was an eloquent promoter of American values. She once said, ''I think that it's always appropriate for Americans and for American foreign policy to make it clear why we feel that self-government is most compatible with peace, the well-being of people, and human dignity.''

Since leaving full-time Government service, Jeane Kirkpatrick has served as an educator, commentator, a wise woman whose counsel has been highly sought after. She has continued to be a passionate advocate for human rights and has also actively supported missile defense, United Nations reform, and the war against Islamic fascism. Most recently, I have had the pleasure of working with Jeane on the Committee on the Present Danger, which Senator LIEBERMAN and I cochair, and on which she played an important advisory role.

America has lost a great patriot and defender in Jeane Kirkpatrick. She will be sorely missed, but she will certainly be fondly remembered.

HONORING CONGRESSIONAL SERVICE

Mr. KYL. Mr. President, I also will say a word about a couple of my colleagues who are leaving, and I will be brief.

WILLIAM FRIST

I know we were all impressed with the comments of our majority leader, BILL FRIST, yesterday. I wish him godspeed in his new endeavors. He certainly has been a joy to work with as part of the Republican leadership because of his good temperament, his wise counsel, his knowledge of human nature, and his deep commitment to this body, the people of Tennessee and, most importantly, to the United States of America.

DENNIS HASTERT

I also want to acknowledge that we will no longer have as Speaker of the House of Representatives in a couple of weeks a colleague of mine when I first came to the House of Representatives, DENNIS HASTERT of Illinois. I saw DENNIS this morning at the White House with the President, who also acknowledged the great contribution of DENNIS during his period as Speaker of the House. Since we were colleagues coming to the House of Representatives in 1986, I will say a special word of thanks to DENNIS for his service.

KATIE ALTSHULER

Mr. President, I wish to make some comments about Katie Altshuler. Katie has been the head of the Republican policy committee the last several months and has served several of us here in this body, primarily with her work here on the floor of the Senate. Katie will be greatly missed by all the staff of the Republican policy committee but also by the staff of all of the Senate family here, who know that she was a very big part of that Senate family. She and her husband will be returning to Oklahoma. I know all of us wish her well. She is one of those little sparks of humanity who makes life a little bit more worthwhile at some of these long nights and weekends that we occasionally have to spend here in the Senate.

RICK SANTORUM

I also acknowledge that several of my colleagues will not be with us after we conclude our business tonight, tomorrow, the next day, or whenever we are going to conclude our business here, colleagues with whom I have served with a great deal of pleasure. My friend RICK SANTORUM was serving in the leadership. We both served in the House of Representatives. He was a great inspiration to the Republican team here, and I know everyone, Democrat and Republican, respects him for his commitment, values, and ideals.

CONRAD BURNS

CONRAD BURNS is a fellow westerner with whom I have shared much and always enjoyed the humor that CONRAD brought to this body.

JIM TALENT

JIM TALENT from Missouri is another colleague from the House of Representatives. He is another serious and dedicated public servant whom I suspect we will see more of in the future.

GEORGE ALLEN

GEORGE ALLEN, a great colleague with whom I also served one term in the House of Representatives, and whose philosophy of ''freedom first'' is certainly one that I share. I know we are going to miss GEORGE and his sage counsel in the years to come.

MIKE DEWINE

MIKE DEWINE and I served together on the Judiciary Committee. We came together to the Senate at the same time and I will certainly miss MIKE's friendship as well.

LINCOLN CHAFEE AND PAUL SARBANES

Finally, LINCOLN CHAFEE. Although I mentioned Republicans in this list, I certainly don't want to forget, of course, PAUL SARBANES, who will be leaving at the end of this year, and others in the House of Representatives with whom I served as well. I know we all move on at some time and that none of us is irreplaceable. But by the same token, these colleagues of ours who will be leaving will be missed and they will be remembered for their great service to the Senate, to their States, and to the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, what is the current status on the floor?

The PRESIDING OFFICER. We are in a period of morning business.

VETERANS' ACCOMPLISHMENTS AND S. 3421

Mr. CRAIG. Mr. President, I have sought recognition in these waning hours of the 109th Congress to provide a summary of the good work accomplished over the last 2 years on behalf of America's veterans, and to comment on comprehensive legislation that is now pending in the Senate. I provide this summary in my capacity as chairman of the Committee on Veterans' Affairs, a title I will soon pass on to my friend, Senator DANNY AKAKA of Hawaii.

Before the 109th Congress convened, I made a decision to serve as chairman of the Committee on Veterans' Affairs

for two fundamental reasons. The first and most important was that our country was at war and continues to be at war, and a nation at war, with hundreds of thousands of young men and women having spent extensive tours overseas in hostile lands, fighting for our country, deserves the full attention of the Senate. Many have died during the course of combat operations. Others have been seriously wounded. Thousands more will transition out of the military service in the coming years and will attempt to reenter the workforce or go to school under the Montgomery GI bill. There simply was no greater calling than for me to assume the leadership role to ensure our Government was effectively assisting the current generation of America's veterans and their families.

Second, I have always been nonplused, I guess, at the characterization that the Committee on Veterans' Affairs was a ''B'' committee. This characterization exists despite these facts. Mr. President, 24 million Americans have served in the military and are potentially eligible for VA-administered benefits. In addition, VA will soon have a budget over $80 billion, which is one of the largest and fastest growing budgets within Government. And finally, VA has the second largest Federal workforce of any Government agency.

Therefore, it was my goal to elevate the committee's profile and the importance of the veterans' benefits and services by embarking on a course of vigorous oversight and legislative effort and, I believe, accomplishment.

It is my humble opinion that I share the credit with 13 other members of the committee. One of them is here on the floor with me, Senator KAY BAILEY HUTCHISON of Texas, who also served not only on the authorizing committee with me but chairs VA MilCon and has played a critical role in veterans issues. We have been diligent and active participants of the committee, and the business of this committee, in my opinion, has been extremely productive in the last 2 years.

The committee held 52 hearings during the 109th Congress. From the start, our focus was on the combat wounded, the combat deceased, and their families. We held a hearing on the difficulty that surviving spouses have in getting timely and effective, consistent information regarding their benefits following the active-duty death of their loved one.

We held several hearings on whether returned combat veterans are provided with a seamless transition—many of us have heard those words used—from active duty to civilian life. We are still working with DOD on that, to make sure it is truly seamless.

We focused on medical and vocational needs of our severely wounded. We examined the research being done within the VA to advance our understanding of various diseases and disabilities confronting veterans in the hope that advances in medical science and technology could one day improve their lives. And there is clear evidence today that that very thing is happening.

The committee was particularly active in examining VA's budget needs, and no one can argue about the high priority this Congress placed on funding the VA system.

The total VA budget will have increased from approximately $63 billion at the end of fiscal year 2004 to over $80 billion upon enactment of a fiscal year 2007 appropriations bill, an increase of 27 percent.

In addition to resources provided, this Congress has put in place a system of accountability to ensure that the appropriations provided to VA are being used to meet the needs of those who rely on the vital health care provided by VA facilities around the Nation.

By law, VA now submits quarterly reports to the Congress on its budget that contain a comparison between VA's planned expenditures and actual expenditures.

More importantly, VA is required to include quality indicators in this report, such as the percentage of primary care appointments scheduled within 30 days of a patient's desired date.

I am confident that the Congress has the mechanisms in place to know, on short order, if VA's budget needs are outpacing its resources, and is therefore equipped to take swift remedial action if necessary.

On the legislative front, the Senate has continued to do the work expected of it by the men and women we serve and represent. Let me give a quick accounting of the legislative provisions that were enacted into law during this Congress:

First S. 1234 and S. 2562. In both the first and second sessions of the Congress, cost-of-living-adjustment legislation was enacted to increase the rates of disability compensation and survivors' compensation. Benefit rates were increased by 4.1 percent for 2006 and will be increased by 3.3 percent for 2007.

Second, Traumatic Injury Protection under Servicemembers' Group Life Insurance, T–SGLI. In many instances the wives, parents, and other family members of servicemembers who are traumatically injured incur substantial financial obligations in order to spend time with their loved ones during recovery periods at military hospitals.

Under the provisions of Public Law 109–13, those traumatically wounded since the start of OIF and OEF as a result of combat wounds are eligible for financial payments which range from $25,000 to $100,000 for qualifying injuries, depending on severity. To date, more than 2.500 wounded servicemembers have received payments as a direct result of this legislation.

As of December 1, 2005, all servicemembers and Reservists insured under the Servicemembers' Group Life Insurance program are also covered under the T–SGLI benefit. The coverage extends to all qualifying injuries regardless of whether injuries are incurred as a result of combat.

Under the provisions of H.R. 3200, the maximum coverage for members of the Armed Forces and veterans of the Service Members Group Life Insurance and the Veterans Group Life Insurance benefit was increased from $250,000 to $400,000.

The bill, as enacted, also requires that spouses be notified when members insured under T–SGLI elect less than maximum coverage or designate a beneficiary other than the spouse or the children or the child.

In fiscal year 2006, the National Defense Authorization Act, H.R. 1815, under provisions of H.R. 1815 and as a result of veterans committees oversights, the Department of Defense was directed to provide customized integrated information to survivors of those killed on active duty about their future Federal benefits through an Internet Web site.

I was amazed when we started these hearings that we were still dealing with a hodgepodge of approaches of how we dealt with the surviving spouse of a lost one.

DOD was also directed to develop a uniform policy on providing casualty assistance to survivors. I would like to especially thank Senators WARNER and LEVIN for their cooperation on that bill.

Also under H.R. 1815, a provision was adopted to prohibit military funeral honors and burial in VA national cemeteries and in Arlington National Cemetery to any person who is convicted of a Federal or State capital murder for which a sentence of death or life in prison may be imposed.

We had an example of a fellow from Maryland who had killed two elderly people and was sentenced to death, died in prison, and was buried at Arlington. This provision was adopted following our committee's oversight and hearing of that double murder that I just expressed. I will speak more to my colleagues about the status of the double murder incident in a moment.

In June of 2006 President Bush signed into law S. 1235, a bill to help severely injured servicemembers in their transition from the military to their civilian lives. It authorizes VA to make grants available—ranging from $2,000 to $14,000—to assist with housing adaptations on a family member's home in which a severely disabled veteran is living.

It allows servicemembers, who have been legally determined 100 percent disabled when they separated from the military, up to 2 years from that date to apply for premium-free Servicemembers' Group Life Insurance coverage. Finally, it enables them to convert their coverage to Veterans' Group Life Insurance, or an individual plan or policy, during the same 2-year period.

As to H.R. 5037, undoubtedly most of my colleagues are aware of the fringe

group which has used its protected free speech rights to deliberately disrupt funerals of our military heroes. That is why the Senate voted unanimously to put reasonable restrictions on demonstrations at VA cemeteries and Arlington National Cemetery.

An amendment was put forward on the floor of the Senate balancing the rights of grieving families to a dignified funeral ceremony; the rights of private property owners who live near cemeteries to be free from overly intrusive Federal laws; and the rights of demonstrators to have their message heard. The amendment was accepted, the bill was passed, and it is now Federal law.

In addition to the bills already enacted into law, the House and Senate Committees on Veterans' Affairs have agreed on a comprehensive substitute amendment to S. 3421, which has cleared the House and awaits Senate action. I urge my colleagues to support this important bill.

S. 3421, the ''Veterans Benefits. Health Care, and Information Technology Act of 2006,'' contains provisions that would: enhance veterans' health, education, memorial affairs, and other benefit programs; improve VA's information technology infrastructure; authorize the construction of needed VA medical facilities; improve services for homeless veterans; remove the remains of a convicted double murderer from Arlington National Cemetery; and, I am proud to say, repeal an outdated and paternalistic law that limits the ability of veterans to hire an attorney to represent them during the VA claims process.

While a fuller accounting of the provisions of S. 3421 can be found in the Joint Explanatory Statement language accompanying the amendment text in the Congressional Record—and I ask unanimous consent that the Joint Explanatory Statement be printed in the RECORD along with the text of the substitute amendment to S. 3421,—I will make a few remarks about three provisions of note that I have championed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOINT EXPLANATORY STATEMENT ON AMENDMENT TO SENATE BILL, S. 3421, AS AMENDED

S. 3421, as amended, the ''Veterans Benefits, Healthcare, and Information Technology Act of 2006,'' reflects a Compromise Agreement reached by the House and Senate Committees on Veterans' Affairs (the Committees) on the following bills reported during the 109th Congress: H.R. 1220, as amended, H.R. 3082, as amended, H.R. 5815, as amended, H.R. 5835, as amended, H.R. 6314, H.R. 6342 (House Bills) and S. 716, S. 1182, as amended, S. 2694, as amended, and S. 3421, as amended (Senate Bills).

H.R. 1220, as amended, passed the House on July 13, 2005; H.R. 3082, as amended, passed the House on July 24, 2006; H.R. 5815, as amended, passed the House on September 13, 2006; H.R. 5835, as amended, passed the House on September 26, 2006; H.R. 6314 passed the House on November 14, 2006; H.R. 6342 passed the House on December 6, 2006 and passed the Senate on December 7, 2006; S. 716 passed the Senate on December 22, 2005; S. 1182, as amended, passed the Senate on December 22, 2005; S. 2694, as amended, passed the Senate on August 3, 2006; and S. 3421 passed the Senate on September 26, 2006.

The Committees have prepared the following explanation of S. 3421, as further amended, to reflect a compromise agreement between the Committees (Compromise Agreement). Differences between the provisions contained in the Compromise Agreement and the related provisions of the House Bills and the Senate Bills are noted in this document, except for clerical corrections, conforming changes made necessary by the Compromise Agreement, and minor drafting, technical, and clarifying changes.

TITLE I—ATTORNEY REPRESENTATION MATTERS

ATTORNEY REPRESENTATION IN VETERANS' BENEFITS CASES BEFORE THE DEPARTMENT OF VETERANS AFFAIRS

Current law

Chapter 59 of title 38, United States Code, establishes policies and procedures with respect to individuals acting as agents and attorneys before the Department of Veterans Affairs (VA). Section 5901 of title 38, United States Code, generally requires that any agent or attorney be recognized by the Secretary in order to act in the preparation, presentation, or prosecution of a claim before VA. Section 5902(a) of title 38, United States Code, authorizes the Secretary to recognize representatives of certain organizations to act in that capacity for claims before VA and section 5903 of title 38, United States Code, authorizes the Secretary to recognize an individual for purposes of a specific claim before VA. Section 5904(a) of title 38, United States Code, provides general authority for the Secretary to recognize agents or attorneys to act as representatives in the preparation, presentation, and prosecution of claims before VA. To be recognized under section 5904(a) of title 38, United States Code, the Secretary may require that the individual show that he or she is of good moral character and in good repute, is qualified, and is competent. For agents or attorneys recognized under section 5904(a) of title 38, United States Code, the Secretary is authorized to suspend or exclude the individual from practicing before VA for any of the reasons set forth in section 5904(b) of title 38, United States Code. Section 5904(c) of title 38, United States Code, generally provides that an agent or attorney may not charge a fee for services ''provided before the date on which the Board of Veterans' Appeals first makes a final decision in a case.'' Section 5905 of title 38, United States Code, specifies that individuals may be fined or imprisoned for impermissibly charging, soliciting, or receiving a fee other than as provided in section 5904(c) of title 38, United States Code.

Senate bill

Section 101(a)(1) of S. 2694, as amended, would add three new subparagraphs to section 5904(a) of title 38, United States Code. New subparagraph (2) would authorize the Secretary to issue regulations prescribing qualifications and standards of conduct that individuals must satisfy to be recognized under section 5904(a) of title 38, United States Code, including having a specified level of experience or specialized training. New subparagraph (3) would authorize the Secretary to issue regulations setting forth reasonable restrictions on the amount of fees that an agent or attorney may charge for services rendered in connection with a claim before VA. New subparagraph (4) would authorize the Secretary to charge a periodic registration fee to agents or attorneys recognized under section 5904(a) of title 38, United States Code, in order to help defray any costs to VA in collecting such fees, recognizing individuals under section 5904(a) of title 38, United States Code, administering the payment of fees, and overseeing agents or attorneys.

Section 101(a)(2) and (3) of S. 2694, as amended, would amend sections 5902 and 5903 of title 38, United States Code, to subject individuals recognized under those sections to suspension from practice before VA for any of the reasons specified in section 5904(b) of title 38, United States Code. Section 101(b) of S. 2694, as amended, would amend section 5904(b) of title 38, United States Code, to allow the Secretary to suspend an individual from practicing before VA if the individual presents frivolous claims, issues, or arguments to VA or fails to comply with any other conditions specified by the Secretary in regulations. Those new bases for suspension, as well as the bases currently listed in section 5904(b) of title 38, United States Code, would apply to any individual recognized under section 5902(a), section 5903, or section 5904(a) of title 38, United States Code.

Section 101(c) of S. 2694, as amended, would repeal the provisions of section 5904(c) of title 38, United States Code, that prohibit agents or attorneys from charging a fee for services rendered prior to the date on which the Board of Veterans' Appeals first makes a final decision in the case. The purpose of this section would be to allow any individual to hire an agent or attorney to represent the individual at any stage of the VA proceedings. As conforming changes, section 101(d) would modify the requirements for attorneys to file fee agreements with VA and section 101(e) would authorize the Secretary to review attorney fee agreements. In addition, section 101(f) would amend 5905 to strike the criminal penalties applicable to an individual who impermissibly solicits, charges, or receives a fee for services provided in connection with a proceeding before VA.

Finally, section 101(g) of S. 2694, as amended, would set forth the effective date for the provisions of section 101. In general, the provisions of section 101 would be effective 6 months after the date of enactment. However, the provisions that would provide additional bases for suspension, repeal the limitation on hiring agents or attorneys, modify the requirements for filing fee agreements, and modify the Secretary's authority to review fee agreements would apply only to claims submitted to VA on or after the effective date.

House bill

The House Bills contain no comparable provision.

Compromise agreement

Section 101 of the Compromise Agreement generally follows the Senate language, except that it would allow individuals to hire an agent or attorney only after a notice of disagreement has been filed in a case as provided in section 7105 of title 38, United States Code. In addition, the Secretary would be required to prescribe in regulations the qualifications and standards of conduct for recognizing individuals under section 5904(a) of title 38, United States Code. The Secretary also would be required to prescribe in regulations a requirement that an individual recognized under section 5904(a) of title 38, United States Code, annually provide to VA information about all jurisdictions where the individual is admitted to practice law, relevant identification numbers, and a self-certification that the individual is in good standing in all such jurisdictions.

The Compromise Agreement would allow the Secretary to suspend or exclude an individual recognized under section 5904(a) of

title 38, United States Code, from practicing before VA if the individual charges excessive or unreasonable fees and would preclude the agent or attorney from being reinstated unless the excessive fees are refunded to the client. It would also add language to the effect that fees that represent no more than 20 percent of an award of past-due benefits shall be presumed reasonable.

The Compromise Agreement would prohibit the Secretary from recognizing an agent or attorney under section 5904(a) of title 38, United States Code, if the agent or attorney has been suspended or disbarred and would permit the Secretary to suspend or exclude an agent or attorney for that reason.

Finally, the Secretary would be permitted to charge agents or attorneys an assessment in circumstances when a fee for services is provided directly by the Secretary to an agent or attorney from past-due benefits. The assessment would be equal to 5 percent of the amount of such fees to be paid to the agent or attorney, except that the amount of the assessment may not exceed $100. The Committees intend that these assessments would assist VA with the cost of processing payments of attorneys' fees.

The Compromise Agreement would also require the Secretary to report to the Committees, 42 months after the date of enactment, on the effect of permitting representation, for a fee, after a notice of disagreement is filed, and recommend any changes to that law.

TITLE II—HEALTH MATTERS

ADDITIONAL MENTAL HEALTH PROVIDERS

Current law

Chapter 74 of title 38, United States Code, authorizes VA to hire a wide range of clinical care personnel to provide treatment to veterans who seek health services from the Department. Because the hiring authority is specific to listed medical professionals, VA is not permitted to employ any professional not mentioned in statute.

Senate bill

Section 5 of S. 1182, as amended, would establish qualifications and add the professions of Marriage and Family Therapist and Licensed Mental Health Counselor to the list of clinical care providers VA is authorized to hire.

House bill

The House Bills contain no comparable provision.

Compromise agreement

Section 201 of the Compromise Agreement follows the Senate language.

PAY COMPARABILITY FOR THE CHIEF NURSING OFFICER, OFFICE OF NURSING SERVICES

Current law

Section 7451 of title 38, United States Code, prohibits VA from paying the position of Chief Nursing Officer, Office of Nursing Services, at a rate that exceeds the maximum rate established for the Senior Executive Service under section 5382 of title 5, United States Code.

Senate bill

Section 6 of S. 1182, as amended, would exempt the position of Chief Nursing Officer, Office of Nursing Services, from the provisions of section 7451 of title 38, United States Code.

House bill

The House Bills contain no comparable provision.

Compromise agreement

Section 202 of the Compromise Agreement follows the Senate language.

IMPROVEMENT AND EXPANSION OF MENTAL HEALTH SERVICES

Current law

Various provisions in subchapter II, chapter 17 of title 38, United States Code, authorizes VA to provide mental health care and readjustment counseling services to veterans enrolled in the VA health care system.

Senate bill

Section 8 of S. 1182, as amended, would direct VA to expand and improve programs and services in a number of settings in order to ensure that VA can adequately address the mental health needs of returning servicemen and women, and would authorize the appropriation of $95,000,000 in each of fiscal years 2006 and 2007 to carry out the provisions contained in this section.

VA would be directed to expand the number of clinical treatment teams principally dedicated to the treatment of PTSD; expand treatment and diagnosis services for substance abuse; expand tele-health initiatives principally dedicated to mental health care in communities located great distances from current VA facilities; improve programs that provide education in mental health treatment to primary care clinicians; and expand the number of Community-Based Outpatient Clinic (CBOC) capable of providing treatment for mental illness.

It would also require VA to ensure that it has the capacity to provide, or monitor the provision of, mental health services at every CBOC in the system. As part of this, VA would be directed to establish performance standards and working environments that give appropriate recognition to the importance of mental health care.

Additionally, require VA to meet the needs of any veteran who entered a VA health care facility seeking mental health or substance abuse treatment and would provide VA the option of using tele-mental health services or contracting to implement the law.

It would require the Secretaries of Defense and Veterans Affairs to establish a joint VA and Department of Defense (DOD) workgroup that would consist of seven experts in the fields of mental health and readjustment counseling from each Department. The workgroup would examine ways to combat stigmas associated with mental health to better educate families of servicemembers about how to deal with such issues, and would require the Departments to report to Congress on their findings.

It would also require VA and DOD to enter into a Memorandum of Understanding to ensure that all separating servicemembers receive mental health and sexual trauma screening.

It would direct VA to establish systemwide guidelines for screening primary care patients for potential mental health issues or disorders, as well as to conduct appropriate training for clinicians of the Department to carry out mental health consultations.

It would require VA's National Center on Post-Traumatic Stress Disorder (PTSD) to collaborate with the Secretary of Defense for the purposes of enabling DOD mental health care providers and clinicians to benefit from the unique and comprehensive expertise that VA has in the area of PTSD diagnosis and treatment. It would also direct the two entities to develop joint training and protocols to ensure consistency and authorize the appropriation of $2,000,000 for fiscal year 2006 for the purpose of carrying out these requirements.

House bill

H.R. 1588, the Comprehensive Assistance for Veterans Exposed to Traumatic Stress Act of 2005, introduced by Ranking Member Lane Evans, would direct the VA to expand and enhance mental health care services for veterans.

Compromise agreement

Section 203 of the Compromise Agreement would incorporate provisions from H.R. 1588 and follow the Senate language that would include only the provisions to require VA to ensure that each CBOC of the Department has the capacity to provide, or monitor the provision of, mental health services; require VA to submit a report to Congress not later than January 31, 2008, on the capacity of the Department to provide mental health services at each CBOC operated by the Department; require VA to establish systemwide guidelines for screening primary care patients for mental health disorders and illnesses, as well as conduct appropriate training for clinicians of the Department to carry out mental health consultations; require VA's National Center on PTSD to collaborate with the Secretary of Defense for the purposes of enabling DOD mental health care providers and clinicians to benefit from the unique and comprehensive expertise that VA has in the area of PTSD diagnosis and treatment; direct the two Departments to develop joint training and protocols to ensure consistency; and authorize to be appropriated $2,000,000 for the purpose of carrying out the collaborative PTSD requirements.

DISCLOSURE OF MEDICAL RECORDS

Current law

State and private sector health care providers currently provide such information to Organ Procurement Organizations (OPOs) pursuant to a regulation promulgated by the Department of Health and Human Services under section 1320b–8(a)(1)(A)(iii) of title 42, United States Code. Section 5701(a) and section 7332 of title 38, United States Code, prevent VA from providing OPOs with VA patient names, home addresses and general medical information, and any treatment information for sickle cell anemia, substance abuse, and treatment for HIV infection.

Senate bill

Section 9 of S. 1182, as amended, would ensure that DOD not violate the Health Insurance Portability and Accountability Act (HIPAA) regulation by providing VA with access to certain medical records of servicemembers while the future VA beneficiary is still on active duty. In addition, the section would allow VA to disclose the name and address of any veterans in the VA health care system to a recognized OPO for the limited purpose of determining whether the veteran is a suitable organ donor.

House bill

The House Bills contain no comparable provision.

Compromise agreement

Section 204 of the Compromise Agreement follows would allow VA to disclose the name and address of any veterans in the VA health care system to a recognized OPO for the limited purpose of determining whether the veteran is a suitable organ donor and explicitly include eye and tissue banks as recognized OPOs.

EXPANSION OF TELE-HEALTH SERVICES

Current law

No applicable current law.

Senate bill

Section 11 of S. 1182, as amended, would direct VA to increase the number of Veterans Readjustment Counseling Service (Vet Center) facilities capable of providing health services and counseling through telehealth linkages with other facilities of the Veterans Health Administration (VHA); and require VA to submit a plan to the Committees on Veterans' Affairs of the Senate and the

House of Representatives to implement this requirement at the end of each of fiscal years 2005, 2006, and 2007.

House bill

The House Bills contain no comparable provision.

Compromise agreement

Section 205 of the Compromise Agreement follows the Senate language with a modification that revises the requirement to implement the plan at the end of fiscal years 2007, 2008, and 2009.

STRATEGIC PLAN FOR LONG-TERM CARE

Current law

Public Law 106–117, the Veterans Millennium Health Care and Benefits Act, among other things, required VA to develop a program of non-institutional long-term care services and mandated that VA maintain the institutional staffing and level of extended care services at, or above, the level of staffing and services during fiscal year 1998.

House bill

The House Bills contain no comparable provision.

Senate bill

Section 13 of S. 1182, as amended, would require VA to publish a strategic plan for long-term care not later than 180 days after the date of enactment.

Compromise agreement

Section 206 of the Compromise Agreement follows the Senate language.

BLIND REHABILITATION OUTPATIENT SPECIALISTS

Current law

No applicable current law.

Senate bill

Section 14 of S. 1182, as amended, would require VA to establish Blind Rehabilitation Outpatient Specialists (BROS) at not fewer than 35 additional VA facilities not later than 30 months after the date of enactment.

House bill

The House Bills contain no comparable provision.

Compromise agreement

Section 207 of the Compromise Agreement follows the Senate language.

EXTENSION OF CERTAIN COMPLIANCE REPORTS

Current law

Section 1706(b)(5)(A) of title 38, United States Code, required VA to submit to the Committees a report on its compliance with the so-called specialized services capacity requirement set forth in section 1706 of title 38, United States Code. Section 542(c)(1) of title 38, United States Code, requires the Advisory Committee on Women Veterans, through 2004, to submit a report to the Secretary of VA not later than July 1 of each even-numbered year on the programs and activities of the Department that pertain to women veterans.

House bill

Section 5 of H.R. 6342 would reauthorize the biennial report of the Advisory Committee on Women Veterans to submit the biennial report to the VA Secretary.

Senate bill

Section 15 of S. 1182, as amended, would reestablish the requirement to submit a compliance report through 2006.

Compromise agreement

Section 208 of the Compromise Agreement contains the Senate language to reestablish the requirement to submit a report on its compliance with specialized services capacity report with a modification to change the date to 2008 and also contains the House language that would extend the biennial report of the Advisory Committee on Women Veterans through 2008.

PARKINSON'S DISEASE RESEARCH, EDUCATION, AND CLINICAL CENTERS AND MULTIPLE SCLEROSIS CENTERS OF EXCELLENCE

Current law

No applicable current law.

Senate bill

Section 401 of S. 2694, as amended, would add a new section to title 38, United States Code, which would authorize VA to designate at least six Parkinson's Disease Research, Education, and Clinical Centers of Excellence (PADRECCs) and at least two Multiple Sclerosis Centers of Excellence (MSCoEs).

House Bill

Section 6 of H.R. 6342 contains a comparable provision.

Compromise agreement

Section 209 of the Compromise Agreement follows the House language. Both the Senate and House express strong support for VA to continue centralized funding of the PADRECCs and MSCoEs to provide clinical care for veterans and to support the research, education and clinical care work of the centers. The expectation of the managers is that the VA would provide at least $6,000,000 in FY 2007 and $6,200,000 in FY 2008 to allow the work of the six established PADRECCs to continue.

REPEAL OF TERM OF OFFICE FOR THE UNDER SECRETARY FOR HEALTH AND THE UNDER SECRETARY FOR BENEFITS

Current law

Section 305(c) and section 306(c) of title 38, United States Code, respectively, limits the terms of office of the Under Secretary for Health and the Under Secretary for Benefits.

Senate bill

Section 402 of S. 2694, as amended, would repeal the 4-year terms of office for the Under Secretary for Health and Under Secretary for Benefits positions.

House bill

The House Bills contain no comparable provision.

Compromise agreement

Section 210 of the Compromise Agreement follows the Senate language.

MODIFICATIONS TO STATE HOME AUTHORITIES

Current law

Section 1741 of title 38, United States Code, establishes criteria for VA payments to States for the care of veterans in State veterans' homes. Service-connected veterans residing in State veterans' homes are not eligible to receive a VA medication benefit unless their service-connected disability necessitated the State home care.

There is no comparable provision in current law which speaks to rural access in State veterans' homes.

Senate bill

Section 403 of S. 2694, as amended, would amend chapter 17 of title 38, United States Code, by inserting a new section 1745. The new section 1745 would require the Secretary to reimburse State veterans' homes for the cost of care of a veteran with a 70 percent or greater service-connected condition and would require that medications be provided, at no cost, to veterans with a 50 percent or greater service-connected disability. Additionally, section 403 would authorize the Secretary to conduct a pilot program to deem a total of 100 beds in non-VA facilities to be eligible for State veterans' home per diem payments.

House bill

The House Bills contain no comparable provision.

Compromise agreement

Section 211 of the Compromise Agreement follows the Senate language.

OFFICE OF RURAL HEALTH

Current law

No applicable current law.

Senate bill

Section 404 of S. 2694, as amended, would create an Office of Rural Health in the Office of the Under Secretary for Health.

House bill

The House Bills contain no comparable provision.

Compromise agreement

Section 212 of the Compromise Agreement follows the Senate language with a modification to also require VA to submit a report to the Committees on Veterans' Affairs of the Senate and the House of Representatives that identifies CBOC and access points identified in the Capital Asset Realignment for Enhanced Services (CARES) May 2004 Decision Document. Section 212 also includes a modification of section 4 of H.R. 5524, the Rural Veterans Health Care Act of 2006.

OUTREACH PROGRAM TO VETERANS IN RURAL AREAS

Current law

No applicable current law.

House bill

Section 2 of H.R. 5524 would require VA to conduct an extensive outreach program to identify and provide information on eligibility to enroll in VA health care to veterans who reside in rural communities and served in Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF).

Senate bill

The Senate Bills contain no comparable provision.

Compromise agreement

Section 213 of the Compromise Agreement follows the House language.

PILOT PROGRAM ON IMPROVEMENT OF CAREGIVER ASSISTANCE SERVICES

Current law

Section 1710B of title 38, United States Code, provides for the establishment of non-institutional extended care services to eligible veterans.

Senate bill

Section 405 of S. 2694 would require VA to conduct a two year pilot program to improve assistance provided to caregivers, particularly in home-based settings and authorize the appropriations of not less than $5,000,000 for each fiscal year for the purposes of carrying out the pilot program. Special consideration regarding allocations of funds should be given to rural facilities, including those without a long-term care facility of the Department.

House bill

The House Bills contain no comparable provision.

Compromise agreement

Section 214 of the Compromise Agreement follows the Senate language with a modification to authorize the appropriations of $5,000,000 for fiscal year 2007 and fiscal year 2008 for the purposes of carrying out the pilot program.

EXPANSION OF OUTREACH ACTIVITIES OF VET CENTERS

Current law

Section 1712A of title 38, United States Code, establishes eligibility for readjustment counseling and related mental health services.

Senate bill

Section 2 of S. 716 would authorize 50 additional veterans of OEF and OIF to perform

outreach efforts for Vet Centers; allow these veteran-employees to be assigned to any Vet Center deemed appropriate by the Secretary; and not subject these outreach coordinators to VA's stipulation that these positions be subject to only three years of hiring authority.

House bill

The House Bills contain no comparable provision.

Compromise agreement

Section 215 of the Compromise Agreement follows the Senate language with a modification to authorize no fewer than 100 additional veterans to perform outreach efforts.

CLARIFICATION AND ENHANCEMENT OF BEREAVEMENT COUNSELING

Current law

Section 1783 of title 38, United States Code, allows VA to provide bereavement counseling to a veteran and to an individual who is a member of the immediate family of a member of the Armed Forces who dies while on active duty.

Senate bill

Section 3 of S. 716 would provide express authority for Vet Centers to provide bereavement counseling to all immediate family members of a member of the Armed Forces who dies while on active duty.

House bill

The House Bills contain no comparable provision.

Compromise agreement

Section 216 of the Compromise Agreement follows the Senate language.

FUNDING FOR VET CENTER PROGRAM

Current law

Section 1712A of title 38, United States Code, establishes eligibility for readjustment counseling and related mental health services.

Senate bill

Section 4 of S. 716 would authorize to be appropriated for fiscal year 2006, $180,000,000 for the provision of readjustment counseling and related mental health services through Vet Centers.

House bill

The House Bills contain no comparable provision.

Compromise agreement

Section 217 of the Compromise Agreement follows the Senate language with a modification to authorize appropriations for fiscal year 2007 rather than fiscal year 2006.

TITLE III—EDUCATION MATTERS

EXPANSION OF ELIGIBILITY FOR SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE PROGRAM

Current law

Section 3501 of title 38, United States Code, provides that in certain circumstances spouses or children of servicemembers or veterans may be eligible for VA education benefits. In general, the spouse or child of a veteran may be eligible for the Dependants' Educational Assistance program (DEA) if the veteran died from a service-connected disability or is permanently and totally disabled by a service-connected disability. In addition, a spouse or child of an active duty servicemember may be eligible for DEA if the servicemember has been missing in action, captured by a hostile force, or forcibly detained by a foreign power for more than 90 days. However, if the servicemember suffers a severe injury in service and remains on active-duty status pending discharge while receiving treatment, the spouse or child is not eligible for DEA until the servicemember is actually discharged from active duty.

House bill

Section 3 of H.R. 6342 would expand eligibility for DEA to the spouse or child of a servicemember who is hospitalized or receiving outpatient medical care, services, or treatment and is determined by the Secretary of Veterans Affairs to have a total disability permanent in nature incurred or aggravated in the line of duty and is likely to be discharged or released from active duty service for such disability.

Senate bill

Section 8 of S. 3421, as amended, would expand eligibility for DEA to the spouse or child of a servicemember who is hospitalized or receiving outpatient medical care, services, or treatment pending discharge from active military, naval, or air service for a total disability permanent in nature resulting from a service-connected disability.

Compromise agreement

Section 301 of the Compromise Agreement generally follows the House language.

RESTORATION OF LOST ENTITLEMENT FOR INDIVIDUALS WHO DISCONTINUE A PROGRAM OF EDUCATION BECAUSE OF BEING ORDERED TO FULL-TIME NATIONAL GUARD DUTY

Current law

Chapters 30, 31, and 32 of title 38, United States Code, provide restoration of lost education benefits under VA education programs to certain recipients called to active duty under title 32, United States Code, (full-time National Guard duty) after September 11, 2001.

House bill

Section 404 of H.R. 3082, as amended, would restore lost entitlement to individuals receiving education benefits under chapter 35 of title 38, United States Code, who were called to active duty under title 32, United States Code, after September 11, 2001.

Senate bill

The Senate Bills contain no comparable provision.

Compromise agreement

Section 302 of the Compromise Agreement follows the House language.

EXCEPTION FOR INSTITUTIONS OFFERING GOVERNMENT-SPONSORED NON-ACCREDITED COURSES TO REQUIREMENT OF REFUNDING UNUSED TUITION

Current law

Section 3676(c) of title 38, United States Code, requires that all non-accredited institutions have a pro-rata refund policy to be approved for veterans' education benefits.

House bill

Section 401 of H.R. 3082, as amended, would exempt Federal, state or local government institutions or institutions primarily supported by funding from a Federal, state or local government entity from the rule that requires a non-accredited education program to have a pro-rata refund policy.

Senate bill

The Senate Bills contain no comparable provision.

Compromise agreement

Section 303 of the Compromise Agreement follows the House language.

EXTENSION OF WORK-STUDY ALLOWANCE

Current law

Section 3485 of title 38, United States Code, establishes work-study policies for veteran-students and eligible dependents. In general, VA work-study students may do the following: prepare or process VA paperwork at schools or VA facilities; assist those providing care providers at VA hospitals and domiciliaries; work at Department of Defense facilities in certain circumstances; assist outreach services at State approving agencies; work at State veterans' cemeteries and national cemeteries; or assist care providers at State homes. The authority for work-study programs at State approving agencies, State veterans' cemeteries and national cemeteries, and State homes expires on December 27, 2006.

House bill

Section 402 of H.R. 3082, as amended, would extend work-study programs at State approving agencies, State veterans' cemeteries and national cemeteries, and State homes until June 30, 2007.

Senate bill

The Senate Bills contain no comparable provision.

Compromise agreement

Section 304 of the Compromise Agreement follows the House language.

DEADLINE AND PERMANENT REQUIREMENT FOR REPORT ON EDUCATIONAL ASSISTANCE PROGRAM

Current law

Section 3036 of title 38, United States Code, requires both VA and DoD to submit to Congress separate, biennial reports on the operation of the Montgomery GI Bill educational assistance program. The reporting requirement expired on January 1, 2005.

House bill

Section 4 of H.R. 6342 would require VA and DoD to submit separate reports to Congress no later than 6 months after the date of enactment and repeal the termination of the biennial reporting requirement.

Senate bill

Section 304 of S. 2694, as amended, contains a similar provision that would reinstate the biennial reporting requirement and extend it until January 1, 2011.

Compromise agreement

Section 305 of the Compromise Agreement generally follows the Senate language.

REPORT ON IMPROVEMENT IN ADMINISTRATION OF EDUCATIONAL ASSISTANCE BENEFITS

Current law

No applicable current law.

House bill

Section 403 of H.R. 3082, as amended, would require the Secretary to report to Congress 180 days after enactment of this Act on ways to streamline the administrative processes and procedures of veterans' education benefits.

Senate bill

The Senate Bills contain no comparable provision.

Compromise agreement

Section 306 of the Compromise Agreement follows the House language.

TITLE IV—NATIONAL CEMETERY AND MEMORIAL AFFAIRS MATTERS

PROVISION OF GOVERNMENT MEMORIAL HEADSTONES OR MARKERS AND MEMORIAL INSCRIPTIONS FOR DECEASED DEPENDENT CHILDREN OF VETERANS WHOSE REMAINS ARE UNAVAILABLE FOR BURIAL

Current law

Section 2306(b) of title 38, United States Code, authorizes the Secretary to furnish, upon request, an appropriate memorial headstone or marker for commemorating an eligible veteran, spouse, or surviving spouse whose remains are unavailable for burial. Such a headstone or marker must be placed in an area of a national cemetery reserved for that purpose, a veterans' cemetery owned by a state, or, in the case of a veteran, in a state, local, or private cemetery. Under section 2306(f) of title 38, United States Code,

when the Secretary has furnished a memorial headstone or marker for an unmarked grave of an individual, the Secretary shall, if feasible, add a memorial inscription to that headstone or marker rather than furnishing a separate headstone or marker for the surviving spouse of such individual.

House bill

Section 203 of H.R. 3082, as amended, would authorize the Secretary to furnish a memorial headstone or marker for an eligible dependent child whose remains are unavailable, or, if feasible, add a memorial inscription to an existing headstone or marker provided under section 2603(a) of title 38, United States Code.

Senate bill

The Senate Bills contain no comparable provision.

Compromise agreement

Section 401 of the Compromise Agreement follows the House language.

PROVISION OF GOVERNMENT MARKERS FOR MARKED GRAVES OF VETERANS AT PRIVATE CEMETERIES

Current law

Section 2306(d) of title 38, United States Code, authorizes the Secretary to furnish a government marker to those families who request one for the marked grave of a veteran buried at a private cemetery, who died on or after September 11, 2001. The authority expires on December 31, 2006.

House bill

Section 202 of H.R. 3082, as amended, would make permanent the Secretary's authority to furnish a government marker or headstone, and would expand the program to include veterans who died between November 1, 1990 and September 10, 2001.

Senate bill

Section 203 of S. 2694 contains a similar provision.

Compromise agreement

Section 402 of the Compromise Agreement would extend the program to December 31, 2007.

ELIGIBILITY OF INDIAN TRIBAL ORGANIZATIONS FOR GRANTS FOR THE ESTABLISHMENT OF VETERANS CEMETERIES ON TRUST LANDS

Current law

Section 2408 of title 38, United States Code, authorizes the Secretary to make grants to states to assist them in establishing, expanding, or improving State veterans' cemeteries.

House bill

Section 201 of H.R. 3082, as amended, would authorize the Secretary to make grants to tribal organizations to assist them in establishing, expanding, or improving veterans' cemeteries on trust lands. The tribal organization would be required to submit the necessary grant application and meet related prerequisites similar to any state applicant.

Senate bill

Section 201 of S. 2694, as amended, contains a similar provision.

Compromise agreement

Section 403 of the Compromise Agreement contains this provision.

REMOVAL OF REMAINS OF RUSSELL WAYNE WAGNER FROM ARLINGTON NATIONAL CEMETERY

Current law

No applicable current law.

House bill

The House Bills contain no comparable provision.

Senate bill

Section 202 of S. 2694, as amended, would direct the Secretary of the Army to remove the remains of Russell Wayne Wagner from Arlington National Cemetery and establish procedures that the Secretary must follow in carrying out this directive. In addition, section 202 would make several Congressional findings, including a finding that Russell Wayne Wagner is the only individual convicted of a capital offense who has been interred or inurned in Arlington since 1997, the year Congress first expressed its intent to keep the remains of such offenders out of national cemeteries.

Compromise agreement

Section 404 of the Compromise Agreement generally follows the Senate language.

TITLE V—HOUSING AND SMALL BUSINESS MATTERS

RESIDENTIAL COOPERATIVE HOUSING UNITS

Current law

Under the provisions of chapter 37 of title 38, United States Code, VA is authorized to guarantee loans for eligible veterans and survivors to buy or build a home; to buy a residential condominium; to repair, alter or improve a home; to refinance an existing home loan; to buy a manufactured home with or without a lot; to buy and improve a manufactured home lot; to install a solar heating or cooling system or other weatherization improvements; or to buy a home and install energy-efficient improvements. Current law does not include the purchase of stock in a cooperative housing corporation (cooperative) amongst the home loans VA may guarantee.

House bill

The House Bills contain no comparable provision.

Senate bill

Section 601 of S. 2694, as amended, would extend VA's authority to guarantee loans to the purchase of stock or membership in a cooperative.

Compromise agreement

Section 501 of the Compromise Agreement generally follows the Senate language; however, the authority for VA to guarantee share loans in cooperatives would terminate 5 years after the date of enactment.

DEPARTMENT OF VETERANS AFFAIRS GOALS FOR PARTICIPATION BY SMALL BUSINESSES OWNED AND CONTROLLED BY VETERANS IN PROCUREMENT CONTRACTS

Current law

Under current law, VA is required to comply with title 15, United States Code, which establishes policies with respect to aid to small businesses. Title 38, United States Code, does not contain any requirements for the Secretary with regard to small businesses owned and controlled by veterans and service-disabled veterans in procurement.

House bill

Section 101 of H.R. 3082, as amended, would add a new section 8127 to title 38, United States Code, to govern how VA contracts with veteran and service-disabled veteran-owned small businesses desiring to contract with VA.

New section 8127 would require the Secretary to establish contracting and subcontracting goals for each fiscal year for contracts with small businesses owned and controlled by veterans and service-disabled veterans. Performance appraisals of senior officials and Assistant Secretaries with procurement authority would be required to include whether the annual contracting goals of their administrations or organizations were met. VA would be required to conduct reviews of contracts and subcontracts to verify that contracts and subcontracts were actually awarded to veterans' businesses as outlined in their contract or subcontract.

VA would be allowed to award non-competitive contracts to small businesses owned and controlled by veterans when the amount of the contract is below the simplified acquisition threshold as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. §403). Further, contracting officers would be allowed, but not required, to award sole source contracts to small businesses owned and controlled by veterans to meet the annual goal set by the Secretary for contracts above the simplified acquisition threshold but below $5,000,000. Contracting officers would retain the option to restrict competition to small businesses owned and controlled by veterans if the contracting officer has an expectation that two or more such businesses owned by veterans will submit offers for the contract including all contracts exceeding $5,000,000.

To be awarded a contract under the new section small businesses owned and controlled by veterans would be required to be listed in a database of veteran-owned and service-disabled veteran-owned small businesses maintained by the Secretary. The Secretary would verify that each small business is owned and controlled by a veteran and in the case of a service-disabled veteran, the veteran's service-disabled status. New section 8127 would make the database available to all Federal departments and agencies and determine whether certain types of information would be restricted to the public. New section 8127 would also bar any small business that misrepresented itself to the Department as a small business owned and controlled by a veteran or service-disabled veteran from contracting with the Department for a period of 5 years.

A small business owned and controlled by one or more veterans would continue to be recognized as such after the death of a veteran if a surviving spouse of a veteran acquires a majority ownership interest. This small business would be recognized as a veteran-owned or service-disabled veteran-owned small business until the earliest of the following: (a) the date on which the surviving spouse remarries; (b) the date the surviving spouse relinquishes ownership; or (c) 10 years after the date of the veteran's death.

New section 8127 would give preference to small businesses owned and controlled by veterans relative to other set-aside groups and within other set-aside groups when another set-aside contracting preference category is being used by VA.

The Secretary would be required to provide quarterly reports to the Committees that would include percentage of contracts awarded by the Department and each Administration of the Department to small businesses owned and controlled by veterans and service-disabled veterans.

Finally, section 101 of H.R. 3082, as amended, would provide a transition rule that would allow small businesses currently listed on VA's current database of veteran-owned small businesses to retain veteran-owned status. After one year, the business may be removed if found not to be a small business owned and controlled by one or more veterans. The Comptroller General would be required to conduct a study on the efforts of the Secretary to meet the goals established in section 8127 for the first 3 fiscal years after date of enactment and report to Congress on January 31 of each such year. Not later than 90 days after the end of the study, the Comptroller General would be required to submit a report to Congress on the findings of the study.

Senate bill

The Senate Bills contain no comparable provision.

Compromise agreement

Section 502 of the Compromise Agreement generally follows the House language except

for the following: (1) senior VA officials performance appraisals would not include contracting goals; (2) a small business owned and controlled by a veteran would continue to be recognized as such only if the veteran was rated as 100 percent service disabled or died due to a service-connected disability; (3) the Secretary would be required to give annual reports to the Committees; (4) and the Comptroller General would be required to brief the Committees on the efforts of the Secretary for the first 3 fiscal years and report 180 days after the end of the time period.

The Committees are fully aware that the Department has several statutory small business set-aside procurement goals and that the process of meeting those goals is accomplished throughout a fiscal year. The Committees also understand that meeting the various goals is done in parallel, not sequentially. For example, the Committees recognize that for a given acquisition, there may not be any qualified veteran or service-disabled veteran-owned businesses, however there may be qualified businesses from another set-aside authority that could fulfill the contract.

The intent of this provision in the Compromise Agreement is to emphasize the importance of meeting the contracting goals for veteran and service-disabled veteran-owned businesses by giving those competitive parity with other set-aside categories. The Committees also seek to give contracting officers the tools to meet veteran and service-disabled veteran-owned business set-aside goals.

The Committees anticipate that acquisition officials will exercise reasonable judgment when attempting to meet the several set-aside goals including giving ''preference'' to veteran or service-disabled veteran-owned businesses. The goals for veteran and service-disabled veteran owned businesses are not in any way intended to prevent attainment of other set-aside goals.

DEPARTMENT OF VETERANS AFFAIRS CONTRACTING PRIORITY FOR VETERAN-OWNED SMALL BUSINESSES

Current law

Title 38, United States Code, does not require the Secretary to give preferences to small businesses owned and controlled by veterans and service-disabled veterans in procurement.

House bill

Section 102 of H.R. 3082, as amended, would create a new section 8128 that would give priority to small businesses owned and controlled by veterans.

Senate bill

The Senate Bills contain no comparable provision.

Compromise agreement

Section 503 of the Compromise Agreement follows the House language.

TITLE VI—EMPLOYMENT AND TRAINING MATTERS

TRAINING OF NEW DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES BY NATIONAL VETERANS' TRAINING INSTITUTE REQUIRED

Current law

Section 4102A of title 38, United States Code, sets the conditions for the funds that states receive to carry out employment services for veterans. Training for Disabled Veterans' Outreach Program Specialists (DVOPS) and Local Veterans' Employment Representatives (LVERs) by the National Veterans' Training Institute (NVTI) is not required under current law as a condition for funds.

House bill

Section 304 of H.R. 3082, as amended, would, as a condition of a grant or contract from the Veterans Employment and Training Service (VETS), require all new DVOPS or LVERs to complete training provided by NVTI within 3 years of designation as or being assigned the duties of a DVOPS or LVER. If the Secretary of Labor did not provide an exception to a state, the Secretary may reduce the amount of the grant or contract for the state for non-compliance. The states would be required to submit information on employee training at NVTI to VETS. Employees designated or assigned the duties of DVOPS and LVERs with 5 years of service would be exempt from the requirement and those with less than 5 years would be required to complete training within 5 years of the date of enactment of this provision.

Senate bill

The Senate Bills contain no comparable provision.

Compromise agreement

Section 601 of the Compromise Agreement generally follows the House language except that the Secretary would be authorized to establish reasonable exceptions to the required completion of the training at NVTI. The Compromise Agreement would require any DVOPS or LVERs, who are designated as such on or after January 1, 2006, to complete the required training within 3 years after the date on which the employee was so designated.

RULES FOR PART-TIME EMPLOYMENT FOR DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES

Current law

Section 4103A of title 38, United States Code, establishes that employees hired as DVOPS may be employed as full- or part-time. Section 4104 of title 38, United States Code, establishes that employees hired as LVERs may be employed as full-time or part-time.

House bill

Section 302 of H.R. 3082, as amended, would clarify that part-time employment of DVOPS and LVERs may not be less than half-time only employment.

Senate bill

The Senate Bills contain no comparable provision.

Compromise agreement

Section 602 of the Compromise Agreement follows the House language.

PERFORMANCE INCENTIVE AWARDS FOR EMPLOYMENT SERVICE OFFICES

Current law

Section 4112 of title 38, United States Code, allows states to provide performance incentive awards to DVOPS and LVERs for quality employment, training, and placement services to veterans.

House bill

Section 307 of H.R. 3082, as amended, would allow the Assistant Secretary of VETS to provide incentive awards to employment service offices as well as eligible employees.

Senate bill

The Senate Bills contain no comparable provision.

Compromise agreement

Section 603 of the Compromise Agreement follows the House language.

DEMONSTRATION PROJECT ON CREDENTIALING AND LICENSURE OF VETERANS

Current law

No applicable current law.

House bill

Section 309 of H.R. 3082, as amended, would establish a new section, 4114, in title 38, United States Code, that would require VETS to begin a program to promote credentialing and licensing of veterans in occupations related to their military training and experience. VETS would be required to identify a minimum of 10 military occupational specialties to begin the program. New subsection 4114 would allow the Assistant Secretary for VETS to enter into a contract to carry out the demonstration project. The demonstration project would be required to begin 60 days after date of enactment and end on September 30, 2009, and would authorize $1,000,000 for each of the fiscal years 2007 through 2009 of appropriated funds for the demonstration project.

Finally, section 309 of H.R. 3082, as amended, would add a representative of the National Governors Association to the Advisory Committee on Veterans Employment, Training, and Employer Outreach at the Department of Labor.

Senate bill

The Senate Bills contain no comparable provision.

Compromise agreement

Section 604 of the Compromise Agreement generally follows the House language except the Secretary of Labor would be given the discretionary authority to begin the demonstration project utilizing unobligated funds.

The Committees expect that the Department will choose military occupational specialties within high-growth industries such as transportation, information technology, and hospitality.

DEPARTMENT OF LABOR IMPLEMENTATION OF REGULATION FOR PRIORITY OF SERVICE FOR VETERANS

Current law

No applicable current law.

House bill

Section 308 of H.R. 3082, as amended, would require the Secretary of Labor to promulgate regulations on the implementation of priority of service as required by Public Law 107–288 for veterans in all Department of Labor programs not later than 1 year after date of enactment.

Senate bill

The Senate Bills contain no comparable provision.

Compromise agreement

Section 605 of the Compromise Agreement generally follows the House language except the Secretary would be required to promulgate the regulations not later than 2 years after date of enactment.

TITLE VII—HOMELESS VETERANS ASSISTANCE

REAFFIRMATION OF NATIONAL GOAL TO END HOMELESSNESS AMONG VETERANS

Current law

Public Law 107–95, the Homeless Veterans Comprehensive Assistance Act (HVCA) of 2001, established a goal to end homelessness among veterans within a decade of its enactment.

House bill

The House Bills contain no comparable provision.

Senate bill

Section 501 of S. 2694, as amended, would restate the goal of Congress to end homelessness among veterans within the time frame established under the HVCA Act.

Compromise agreement

Section 701 of the Compromise Agreement follows the Senate language.

SENSE OF CONGRESS ON THE RESPONSE OF THE FEDERAL GOVERNMENT TO THE NEEDS OF HOMELESS VETERANS

Current law

Public Law 107–95, the Homeless Veterans Comprehensive Assistance Act of 2001, established a goal to end homelessness among veterans within a decade of its enactment.

House bill

The House Bills contain no comparable provision.

Senate bill

Section 502 of S. 2694, as amended, expresses the sense of Congress on the needs of homeless veterans in America and the expectation for the Federal government's response to those needs.

Compromise agreement

Section 702 of the Compromise Agreement follows the Senate language.

AUTHORITY TO MAKE GRANTS FOR COMPREHENSIVE SERVICE PROGRAMS FOR HOMELESS VETERANS

Current law

Section 2011 of title 38, United States Code, authorizes VA to make grants to assist eligible entities in establishing comprehensive service programs to assist homeless veterans.

House bill

Section 2 of H.R. 6342 would extend VA's authority for the Homeless Grant and Per Diem Program to September 30, 2007.

Senate bill

Section 503 of S. 2694, as amended, would provide permanent authority for the Homeless Grant and Per Diem Program and would increase the amount of funds authorized for these efforts to $130,000,000 for fiscal year 2007 and each fiscal year thereafter.

Compromise agreement

Section 703 of the Compromise Agreement follows the Senate language.

EXTENSION OF TREATMENT AND REHABILITATION FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS

Current law

Section 2031 and 2033(d) of title 38, United States Code, authorizes VA to provide treatment and rehabilitation services for seriously mentally ill and homeless veterans.

House bill

Section 2 of H.R. 6342 would extend VA's authority for the treatment and rehabilitation for seriously mentally ill and homeless veterans to December 31, 2007.

Senate bill

Section 504 of S. 2694, as amended, would extend the authority to operate special programs for homeless veterans through December 31, 2011.

Compromise agreement

Section 704 of the Compromise Agreement follows the Senate language.

EXTENSION OF AUTHORITY FOR TRANSFER OF PROPERTIES OBTAINED THROUGH FORECLOSURE OF HOME MORTGAGES

Current law

Section 2041 of title 38, United States Code, authorizes VA to assist homeless veterans and their families in acquiring shelter via agreements to sell, lease, lease with an option to purchase, or donate real property, and improvements thereon, acquired as the result of a default on a loan made, insured, or guaranteed under 38 U.S.C. section 2001 et seq.

House bill

The House Bills contain no comparable provision.

Senate bill

Section 505 of S. 2694, as amended, would extend this program through December 31, 2011.

Compromise agreement

Section 705 of the Compromise Agreement follows the Senate language.

EXTENSION OF FUNDING FOR GRANT PROGRAM FOR HOMELESS VETERANS WITH SPECIAL NEEDS

Current law

Section 2061 of title 38, United States Code, authorizes VA to operate a program through which it makes grants to homeless veteran service providers specifically for the purpose of encouraging those entities to provide unique services to special needs populations.

House bill

The House Bills contain no comparable provision.

Senate bill

Section 506 of S. 2694, as amended, would extend VA's authority to operate this program through 2011 and increase the annual authorized expenditure amount to $7,000,000 through the same time period.

Compromise agreement

Section 706 of the Compromise Agreement follows the Senate language.

EXTENSION OF FUNDING FOR HOMELESS VETERAN SERVICE PROVIDER TECHNICAL ASSISTANCE PROGRAM

Current law

Section 2064 of title 38, United States Code, requires VA to carry out a program to make grants to organizations with expertise in preparing grant applications to provide technical assistance to non-profit community-based groups in order to assist such groups in applying for grants under VA's homeless grant and per diem program.

Senate bill

Section 507 of S. 2694, as amended, would extend funding for homeless veteran service providers technical assistance program through 2012 and increase the annual authorized expenditure amount to $1,000,000 through the same time period.

House bill

The House Bills contain no comparable provision.

Compromise agreement

Section 707 of the Compromise Agreement follows the Senate language.

ADDITIONAL ELEMENT IN ANNUAL REPORT ON ASSISTANCE TO HOMELESS VETERANS

Current law

Section 2065 of title 38, United States Code, requires VA to submit a report to the Committees on Veterans' Affairs of the Senate and House of Representatives on the activities of the Department to assist homeless veterans during the calendar year preceding the report.

House bill

The House Bills contain no comparable provision.

Senate bill

Section 508 of S. 716 would add a requirement to this annual report to include findings of identified redundancies and gaps in government-wide, homeless assistance coordination efforts so that duplication can be eliminated and gaps can be filled.

Compromise agreement

Section 708 of the Compromise Agreement follows the Senate language.

ADVISORY COMMITTEE ON HOMELESS VETERANS

Current law

Section 2066 of title 38, United States Code, establishes a VA Advisory Committee on Homeless Veterans.

Senate bill

Section 509 of S. 2694, as amended, would add two new ex-officio members to the Advisory Committee, the Under Secretaries of Health and Benefits or their designated representative; add the Executive Director of the President's Interagency Council on Homelessness as a member to the Advisory Committee; and authorize the Advisory Committee's continuation through September 30, 2011.

House bill

Section 2 of H.R. 6342 would extend the Advisory Committee on Homeless Veterans to December 31, 2007.

Compromise agreement

Section 709 of the Compromise Agreement follows the Senate language with a modification to extend the Advisory Committee through December 31, 2011.

RENTAL ASSISTANCE VOUCHERS FOR VETERANS AFFAIRS SUPPORTED HOUSING PROGRAM

Current law

Section (8)(o)(19)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)(B)), authorizes the Secretary of Housing and Urban Development to set aside specified amounts for use only for providing supported housing assistance administered in conjunction with the Department of Veterans Affairs. The program provides rental assistance on behalf of homeless veterans who have chronic mental illness or chronic substance abuse disorders. Continued treatment for such illness or disorder and appropriate case management is a condition for receipt of the rental assistance.

House bill

The House Bills contain no comparable provision.

Senate bill

Section 510 of S. 2694, as amended, would authorize 500 vouchers for fiscal year 2007; 1,000 vouchers for fiscal year 2008; 1,500 vouchers for fiscal year 2009; 2,000 vouchers for fiscal year 2010; and 2,500 vouchers for fiscal year 2011.

Compromise agreement

Section 710 of the Compromise Agreement follows the Senate language.

TITLE VIII—CONSTRUCTION MATTERS

SUBTITLE A—CONSTRUCTION AND LEASE AUTHORITIES

AUTHORIZATION OF FISCAL YEAR 2006 MAJOR MEDICAL FACILITY PROJECTS

Current law

Section 8104 of title 38, United States Code, requires Congressional authorization of appropriations for VA major medical facility projects.

House bill

Section 3 of H.R. 5815, as amended, would authorize the Secretary to enter into an agreement with Louisiana State University (LSU) and $100,000,000 for advance planning and design and site preparation for a co-located, joint-use major medical facility project in or near New Orleans, Louisiana.

Section 2 of H.R. 5815, as amended, would authorize $310,000,000 for the restoration of the Department of Veterans Affairs Medical Center (VAMC), Biloxi, Mississippi and consolidation of services performed at the VAMC, Gulfport, Mississippi; and require the project be carried out as part of a joint-use facility shared by VA with Keesler Air Force, Biloxi, Mississippi.

Section 5 of H.R. 5815, as amended, would authorize $98,000,000 for the Secretary to enter into an agreement to purchase a site for the replacement of the VAMC, Denver, Colorado; and require the Secretary to report to the Committees on Veterans' Affairs

of the Senate and House of Representatives on the viability of entering into a public or suitable non-profit organization partnership for the construction and operation of a facility that would replace the current VAMC, Denver, Colorado, not later than 180 days after the date of enactment.

Senate bill

Section 1(1) of S. 3421 would authorize $636,000,000 for the restoration, new construction or replacement of the VAMC in New Orleans, Louisiana as a collaborative effort consistent with the June 12, 2006, New Orleans Collaborative Opportunities Study Group Report.

Section 1(2) of S. 3421 would authorize $310,000,000 for the restoration of the VAMC, Biloxi, Mississippi and consolidation of services performed at the VAMC, Gulfport, Mississippi.

Section 1(3) of the Senate Bill would authorize $98,000,000 for the replacement of the VAMC, Denver, Colorado.

Compromise agreement

Section 801 of the Compromise Agreement would authorize $300,000,000 for the restoration, new construction or replacement of the VAMC in or near New Orleans, Louisiana as a collaborative effort consistent with the June 12, 2006, New Orleans Collaborative Opportunities Study Group Report; $310,000,000 for the restoration of the VAMC, Biloxi, Mississippi and consolidation of services performed at the VAMC, Gulfport, Mississippi; and $98,000,000 for the replacement of the VAMC, Denver, Colorado and require the Secretary to report to the Committees on Veterans' Affairs of the Senate and House of Representatives on the viability of entering into a public or suitable non-profit organization partnership for the construction and operation of a facility that would replace the current VAMC, Denver, Colorado, not later than 180 days after the date of enactment.

EXTENSION OF AUTHORIZATION FOR CERTAIN MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS PREVIOUSLY AUTHORIZED IN CONNECTION WITH CAPITAL ASSET REALIGNMENT INITIATIVE

Current law

Section 221 of Public Law 108–170 provided the Secretary of Veterans Affairs the authority to enter into a contract to carry out approved major construction projects as specified in the final report of the Capital Asset Realignment for Enhanced Services Commission through September 30, 2006.

House bill

Section 6 of H.R. 5815, as amended, would authorize 17 major medical facility construction projects that were previously authorized under Public Law 108–170 as follows:

Location	Purpose	Cost
Anchorage, AK	outpatient clinic and regional office	$75,270,000
Cleveland/Brecksville, OH	clinical/administrative consolidation	$102,300,000
Des Moines, IA	extended care building	25,000,000
Durham, NC	renovation of patient wards	9,100,000
Gainesville, FL	correct patient privacy deficiencies	85,200,000
Indianapolis, IN	floor wards modernization	27,400,000
Las Vegas, NV	new medical center facility	406,000,000
Lee County, FL	ambulatory diagnostic support center	65,100,000
Long Beach, CA	seismic corrections	107,845,000
Los Angeles, CA	seismic corrections	79,900,000
Orlando, FL	new medical center facility	377,700,000
Pittsburgh, PA	consolidation of campuses	189,205,000
San Antonio, TX	ward upgrades and expansion	19,100,000
Syracuse, NY	new spinal cord injury center	77,700,000
Tampa, FL	upgrade electrical distribution systems	49,000,000
Tampa, FL	expand spinal cord injury center	7,100,000
Temple, TX	blind rehab/psychiatric renovation	56,000,000

Senate bill

Section 2 of S. 3421 would extend the date for contract award from September 30, 2006, to September 30, 2009, for 18 major medical facility construction projects that were previously authorized under Public Law 108–170 as follows:

Location	Purpose	Cost
Anchorage, AK	outpatient clinic and regional office	$75,270,000
Cleveland/Brecksville, OH	clinical/administrative consolidation	$102,300,000
Des Moines, IA	extended care building	25,000,000
Durham, NC	renovation of patient wards	9,100,000
Gainesville, FL	correct patient privacy deficiencies	85,200,000
Indianapolis, IN	floor wards modernization	27,400,000
Las Vegas, NV	new medical center facility	406,000,000
Lee County, FL	ambulatory diagnostic support center	65,100,000
Long Beach, CA	seismic corrections	107,845,000
Los Angeles, CA	seismic corrections	79,900,000
Orlando, FL	new medical center facility	377,700,000
Pittsburgh, PA	consolidation of campuses	189,205,000
San Antonio, TX	ward upgrades and expansion	19,100,000
San Juan, PR	seismic corrections	15,000,000
Syracuse, NY	spinal cord injury center	53,900,000
Tampa, FL	upgrade electrical distribution systems	49,000,000
Tampa, FL	expand spinal cord injury center	7,100,000
Temple, TX	blind rehab/psychiatric renovation	56,000,000

Compromise agreement

Section 802 of the Compromise Agreement follows the House language. The Committees note that the need for some of these projects was determined based on initial CARES results. VA has subsequently begun detailed studies at a number of sites. In some locations, these studies have led to modified plans. In an effort to avoid the unnecessary expenditure of scarce resources VA should defer any action on the design or construction of these projects until related ongoing studies are complete and these studies support the need for the expenditure of funds authorized by this section. The Committees understand that it is VA's policy to defer construction until final decisions are made. The Committees support this approach and expect this policy to remain in place.

AUTHORIZATION OF FISCAL YEAR 2007 MAJOR MEDICAL FACILITY PROJECTS

Current law

Section 8104 of title 38, United States Code, requires Congressional authorization of any VA major medical facility construction project.

Senate bill

Section 3 of S. 3421 would authorize the following major construction projects for fiscal year 2007:

Location	Purpose	Cost
American Lake, WA	seismic corrections, nursing home	$38,220,000
Columbia, MO	operating suite replacement	25,830,000
Fayetteville, AR	new clinical addition	56,163,000
Milwaukee, WI	new spinal cord injury center	32,500,000
St. Louis, MO	medical facility improvements and cemetery expansion	69,053,000

House bill

The House Bills contain no comparable provision.

Compromise agreement

Section 803 of the Compromise Agreement follows the Senate language.

AUTHORIZATION OF ADVANCED PLANNING AND DESIGN FOR A MAJOR MEDICAL FACILITY, CHARLESTON, SOUTH CAROLINA

Current law

Section 8104 of title 38, United States Code, requires Congressional authorization of any VA major medical facility construction project.

House bill

Section 4 of H.R. 5815, as amended, would authorize the Secretary to enter into an agreement with the Medical University of

South Carolina (MUSC) to design, construct, and operate a co-located joint-use medical facility in Charleston, South Carolina, and would place a limitation of $70,000,000 on the use of funds for advance planning and design of such a facility. The Committee report accompanying H.R. 5815, as amended, (H. Rpt. 109–643) discussed the final report of a Collaborative Opportunities Steering Group established to evaluate the prospects for construction involving VA and MUSC and highlighted and discussed two options in that report, Models A and A–1, as most viable.

Senate bill

The Senate Bills contain no comparable provision.

Compromise agreement

Section 804 of the Compromise Agreement follows the House language to authorize the Secretary to enter into an agreement with MUSC to design and plan for the operation of a co-located joint-use medical facility in Charleston, South Carolina. The amount authorized for advance planning and design of such a facility is reduced to $36,800,000. This change reflects the Committees agreement that Model A is not viable and that Model A–1 is the model which should be reviewed. The Committees also note their agreement with the statement in the House Committee report that, because of the limitation of the funding to advance planning and design, VA would be required to seek additional, specific authorization for the construction of a facility in Charleston, SC, consistent with section 8104 of title 38, United States Code.

AUTHORIZATION OF FISCAL YEAR 2006 MAJOR MEDICAL FACILITY LEASES

Current law

Section 8104 of title 38, United States Code, requires Congressional authorization of any VA medical facility lease with an annual lease payment of more than $600,000.

Senate bill

Section 4 of S. 3421 would authorize the following leases:

Location	Purpose	Cost
Baltimore, MD	outpatient clinic	$10,908,000
Evansville, IN	outpatient clinic	8,989,000
Smith County, TX	outpatient clinic	5,093,000

House bill

Section 7(a) of H.R. 5815, as amended, contains a similar provision.

Compromise agreement

Section 805 of the Compromise Agreement contains this provision.

AUTHORIZATION OF FISCAL YEAR 2007 MAJOR MEDICAL FACILITY LEASES

Current law

Section 8104 of title 38, United States Code, requires Congressional authorization of any VA medical facility lease with an annual lease payment of more than $600,000.

Senate bill

Section 5 of S. 3421, as amended, would authorize the following leases:

Location	Purpose	Cost
Austin, TX	outpatient clinic	$6,163,000
Lowell, MA	outpatient clinic	2,520,000
Grand Rapids, TX	outpatient clinic	4,409,000
Las Vegas, NV	up to four outpatient clinics	8,518,000
Parma, OH	outpatient clinic	5,032,000

House bill

Section 7(b) of H.R. 5815 contains a similar provision.

Compromise agreement

Section 806 of the Compromise Agreement contains this provision.

AUTHORIZATION OF APPROPRIATIONS

Current law

Section 8104 of title 38, United States Code, requires Congressional authorization of appropriations for VA major medical facility projects.

House bill

Section 8 of H.R. 5815, as amended, would authorize $578,000,000 for fiscal year 2006 major medical facility projects; $1,758,920,000 for fiscal year 2007 for projects under CARES; $24,990,000 for fiscal year 2006 leases; and $26,642,000 for fiscal year 2007 leases.

Senate bill

Section 6 of S. 3421 would authorize $998,000,000 for fiscal year 2006 major medical facility projects; $1,750,120,000 for fiscal year 2007 for projects under CARES; $221,766,000 for fiscal year 2007 major medical facility projects; $24,990,000 for fiscal year 2006 leases; and $26,642,000 for fiscal year 2007 leases.

Compromise agreement

Section 807 of the Compromise Agreement would authorize $708,000,000 for the projects in section 801; $1,758,920,000 for the projects whose authorization is extended by section 802; $221,766,000 for the projects authorized in section 803; $36,800,000 for the advanced planning and design authorized in section 804; $24,990,000 for the leases authorized in section 805 and $26,642,000 for the leases authorized in section 806.

SUBTITLE B—FACILITIES ADMINISTRATION

DIRECTOR OF CONSTRUCTION AND FACILITIES MANAGEMENT

Current law

No applicable current law.

House bill

Section 11 of H.R. 5815, as amended, would establish within the VA the position of Director, Construction and Facilities Management; require that the individual appointed meet certain qualifications; and mandate that this position have responsibility for Department-wide construction and facility management.

Senate bill

The Senate Bills contain no comparable provision.

Compromise agreement

Section 811 of the Compromise Agreement follows the House language.

INCREASE IN THRESHOLD FOR MAJOR MEDICAL FACILITY PROJECTS

Current law

Section 8104 of title 38, United States Code, defines a major medical facility project as a project for construction, alteration, or acquisition of a medical facility involving a total expenditure of more than $7,000,000.

Senate bill

Section 7 of S. 3421, as amended, would raise the threshold for major medical facility projects from $7,000,000 to $10,000,000.

House bill

The House Bills contain no comparable provision.

Compromise agreement

Section 812 of the Compromise Agreement follows the Senate language and would raise the threshold for major medical facility projects from $7,000,000 to $10,000,000.

LAND CONVEYANCE, TOWER PARK, FORT THOMAS, KENTUCKY

Current law

No applicable current law.

Senate bill

Section 18 of S. 1182 would allow the VA to transfer certain historic properties on the Fort Thomas, KY campus of the Cincinnati VAMC to the city of Fort Thomas for fair market value.

House bill

Section 10 of H.R. 5815 contains a similar provision.

Compromise agreement

Section 813 of the Compromise Agreement follows the House language.

SUBTITLE C—REPORTS ON MEDICAL FACILITY IMPROVEMENTS

REPORT ON OPTIONS FOR MEDICAL FACILITY IMPROVEMENTS IN SAN JUAN, PUERTO RICO

Current law

No applicable current law.

House bill

Section 9 of H.R. 5815, as amended, would express the sense of Congress that the need for medical facility improvements in San Juan, Puerto Rico, is not being adequately addressed and requires the VA to report to the Committees on Veterans' Affairs of the Senate and House of Representatives on the viability of entering into a public or suitable non-profit organization partnership for the construction and operation of a facility that would replace the current VAMC in San Juan, Puerto Rico, not later than 180 days after the date of enactment.

Senate bill

The Senate Bills contain no comparable provision.

Compromise agreement

Section 821 of the Compromise Agreement follows the House language with a modification to eliminate the sense of Congress language.

BUSINESS PLANS FOR ENHANCED ACCESS TO OUTPATIENT CARE IN CERTAIN RURAL AREAS

Current law

No applicable current law.

House bill

Section 12 of H.R. 5815, as amended, would require the VA to submit to the Committees on Veterans' Affairs of the Senate and House of Representatives, not later than 180 days after the date of enactment, a business plan for enhanced access to outpatient care for primary, mental health and specialty care through new sites of care, expansions at existing sites, use of existing authority and policies to contract for care where necessary, and increased use of telemedicine in each of the following areas: (1) the Lewiston-Auburn area of Maine; (2) the area of Houlton, Maine; (3) the area of Dover-Foxcroft, Maine; and (4) area of Whiteside County, Illinois.

Senate bill

The Senate Bills contain no comparable provision.

Compromise agreement

Section 822 of the Compromise Agreement follows the House language.

REPORT ON OPTION FOR CONSTRUCTION OF A DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER IN OKALOOSA COUNTY, FLORIDA

Current law

No applicable current law.

House bill

Section 13 of H.R. 5815, as amended, would require the VA to submit to the Committees on Veterans' Affairs of the Senate and House of Representatives, not later than 180 days after the date of enactment, a report on the options for the construction of a new medical facility in Okaloosa County, Florida.

Senate bill

The Senate Bills contain no comparable provision.

Compromise agreement

Section 823 of the Compromise Agreement generally follows the House language with a modification to add a requirement that the feasibility study be carried out in consultation with Secretaries of Defense and Air Force. Additionally, any report provided by

this study would be transmitted to the House and Senate Armed Service Committees.

TITLE XI—INFORMATION SECURITY MATTERS

DEPARTMENT OF VETERANS AFFAIRS INFORMATION SECURITY ENHANCEMENT ACT OF 2006

DEPARTMENT OF VETERANS AFFAIRS INFORMATION SECURITY

Current law

No applicable current law.

House bill

Section 4 of H.R. 5835, as amended, would amend Chapter 57 of title 38 to create the Office of the Under Secretary for Information Security and identify the responsibilities of the Chief Information Officer and require an annual report be submitted to the House and Senate Committees on Veterans' Affairs.

Section 5721 of H.R. 5835, as amended, would provide a definition for the following: (1) sensitive personal information; (2) data breach; (3) data breach analysis; (4) fraud resolution services; (5) identity theft; (6) identity theft insurance; and (7) principal credit reporting agency.

Section 5722 of H.R. 5835, as amended, would create the Office of the Under Secretary for Information Services.

Section 5723 of H.R. 5835, as amended would provide the responsibilities of the Chief Information Officer; and a report to the Committees on Veterans' Affairs of the Senate and House of Representatives, the Committee on Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate, on the Department's compliance with FISMA.

Section 5724 of H.R. 5835, as amended, would require the Secretary to submit a report, not later than 30 days after the last day of a fiscal quarter, to the Committees on Veterans' Affairs of the Senate and the House of Representatives, on any data breach with respect to sensitive personal information processed or maintained by the Department that occurred during that quarter. This report would contain the Administration and facility of the Department responsible for processing or maintaining the sensitive personal information involved in the data breach.

Section 5725 of H.R. 5835, as amended, would require Independent Risk Analysis from a non-Department entity or the VA Office of Inspector General, the Secretary provide credit protection services, and notification to an individual whose sensitive personal information is involved in a data breach.

Section 5726 of H.R. 5835, as amended, would provide credit protection services to a covered individual, who, for the purposes of this section, is an individual whose sensitive personal information processed or maintained by the Department (or any third-party entity acting on behalf of the Department) is involved, on or after August 1, 2005, in a data breach for which the Secretary determines a reasonable risk exists for the potential misuse of sensitive personal information under section 5725(a)(2) of title 38, United States Code.

Section 5727 of H.R. 5835, as amended would provide for the payment of liquidated damages by contractors in the event of a data breach by the contractor, and provides that amounts collected be used to provide credit protection services to affected individuals.

Section 5728 of H.R. 5835, as amended, would authorize such sums as may be necessary for each fiscal year to be appropriated to carry out this subchapter.

Section 4 of H.R. 5835, as amended, would make clerical amendments, and require the Secretary to publish regulations to carry out this subchapter not later than 60 days after enactment.

Senate bill

The Senate Bills contain no comparable provision.

Compromise agreement

Section 902 of the Compromise Agreement would establish the Department of Veterans Affairs Information Security Programs and Requirements. This Compromise Agreement eliminated sections 2 and 3 of H.R. 5835, as amended. Section 5721 of the Compromise Agreement would provide the purpose of the Information Security Program.

Section 5722 of the Compromise Agreement would establish policy guidance for the Department Information Security Program and create the elements for the Department Information Security Program.

Section 5723 of the Compromise Agreement would provide the Responsibilities for the (a) Secretary of Veterans Affairs; (b) Assistant Secretary for Information Technology; (c) Associate Deputy Assistant Secretary for Cyber and Information Security; (d) Department Information Owners; (e) other key officials; (f) users of Department Information and Information Systems; and (g) Inspector General of the Department of Veterans Affairs.

Section 5724(a) of the Compromise Agreement would provide Independent Risk Analysis in the event of a data breach with respect to the sensitive personal information that is processed or maintained by the Secretary. If the Secretary determines reasonable risk exists based on the results of the risk analysis under section 5724(a) of the Compromise Agreement, credit protection services would be provided in accordance with the regulations prescribed under section 5724(b).

Section 5724(b) of the Compromise Agreement would also direct the Department of Veterans Affairs to issue implementing regulations not later than 180 days after enactment, and at a minimum address: (1) notification; (2) Data mining; (3) Fraud alerts; (4) Data breach analysis; (5) Credit monitoring; (6) Identity theft insurance; and (7) Credit protection services.

Section 5724(c) of the Compromise Agreement would provide notification to the House and Senate Committees on Veterans' Affairs with a report on the findings of the independent risk analysis. In the event that information maintained by the Department of Defense is included in a VA data breach, the House and Senate Committees on Armed Services would also be provided a report under section 5724(c) of the Compromise Agreement.

Section 5725 provides that contracts for data processing or maintenance contain specific language pertaining to data breaches.

Section 5726 of the Compromise Agreement would require quarterly reports and notice to Congress on data breaches, whereas Section 5723(c) of H.R. 5835, as amended required monthly reports. This provision for quarterly reports may be included as part of other reports to the Committees such as the quarterly reports required of VA in section 222 of Public Law 109–114, the Military Quality of Life and Veterans Affairs Appropriations Act of 2006. Section 5727 of the Compromise Agreement would also include timely reports on a significant data breach of the sensitive personal information held by the Department.

Section 5727 of the Compromise Agreement would provide definitions for terms used in Section 902 of the Compromise Agreement.

Section 5728 of the Compromise Agreement would provide authorization for appropriations.

INFORMATION SECURITY EDUCATION ASSISTANCE PROGRAM

Current law

No applicable current law.

House bill

Section 7 of H.R. 5835, as amended would add a new chapter 79, ''Information Security Education Assistance Program,'' to title 38, United States Code. Section 7901 of H.R. 5835, as amended, would encourage the recruitment and retention of Department personnel who have the information security skills necessary to meet Department requirements. Section 7902 of H.R. 5835, as amended, would provide information on the scholarship program, by which the Secretary may award up to five scholarships in any academic year to individuals who did not receive assistance under this section for the preceding academic year. Under section 7903 of H.R. 5835, as amended, the Secretary would be authorized to establish an education debt reduction program for up to five individuals for each fiscal year. Section 7904 of H.R. 5835, as amended, would provide preferences in awarding financial assistance. Section 7905 of H.R. 5835, as amended, would require honorable discharge for veterans receiving assistance. Section 7906, of H.R. 5835, as amended, would require the Secretary to prescribe regulations for the administration of new Chapter 79. Section 7907 of H.R. 5835, as amended, would terminate the authority of the Secretary to make payments under the new Chapter 79 on July 31, 2017.

Senate bill

The Senate Bills contain no comparable provision.

Compromise agreement

Section 903 of the Compromise Agreement generally follows the House language. However, under the Compromise Agreement, the program is voluntary rather than mandatory and would reduce the number of scholarships and participants in the education debt reduction program to a single individual for each program identified under section 903 of the Compromise Agreement. Section 903 of the Compromise Agreement would also make conforming amendments, require a Government Accountability Report on the programs created under this section not later than 3 years after enactment, and apply scholarships with respect to financial assistance for semesters or terms that begin on or after August 1, 2007.

TITLE X—OTHER MATTERS

NOTICE TO CONGRESSIONAL VETERANS COMMITTEES OF CERTAIN TRANSFERS OF FUNDS

Current law

There are numerous requirements (e.g., Sections 201, 216, 225, 226, and 227 of P.L. 109–114) in current law for VA to notify congressional committees as to actions the Department is undertaking or contemplating undertaking regarding the transfer of appropriations from one account to another account.

Senate bill

The Senate Bills contain no comparable provision.

House bill

The House Bills contain no comparable provision.

Compromise agreement

Section 1001 of the Compromise Agreement would require VA to provide the Committees on Veterans' Affairs of the Senate and House of Representatives with copies of any notifications regarding the transfer of appropriations the Department is required by law to provide to any other Congressional Committee.

CLARIFICATION OF CORRECTIONAL FACILITIES COVERED BY CERTAIN PROVISIONS OF LAW

Current law

Section 5313 of title 38, United States Code, limits the amount of VA compensation that may be paid to a veteran who is incarcerated in a ''Federal, State, or local penal institution'' for more than 60 days for conviction of a felony. Sections 1505(a), 3108(g), 3231(d), 3482(g), 3532(e), and 5313A of title 38, United States Code, also limit the provision of certain benefits to veterans, survivors, and dependents who are incarcerated in a ''Federal, State, or local penal institution.''

Senate bill

Section 604 of S. 2694, as amended, would make a technical amendment to section 5313 of title 38, United States Code, to clarify that the limitation set forth in that section does apply to a felon incarcerated in any type of penal facility, including a facility operated by a private contractor. It would make the same clarifying change in all title 38 sections that contain the phrase ''Federal, State, or local penal institution.''

House bill

The House Bills contain no comparable provision.

Compromise agreement

Section 1002 of the Compromise Agreement follows the Senate language.

EXTENSION OF AUTHORITY FOR HEALTH CARE FOR PARTICIPATION IN DOD CHEMICAL AND BIOLOGICAL WARFARE TESTING

Current law

Section 1710(e)(2)(B)(3) of title 38, United States Code, provides the authority for VA to provide health care for those who participated in DoD chemical and biological warfare testing to December 31, 2005.

House bill

Section 2(a) of H.R. 6342 would extend the authority for VA to provide health care for those who participated in DoD chemical and biological warfare testing to December 31, 2007.

Senate bill

The Senate Bills contain no comparable provision.

Compromise agreement

Section 1003 of the Compromise Agreement follows the House language.

Mr. CRAIG. Mr. President, currently, veterans and other claimants seeking veterans' benefits may not hire an attorney until the VA administrative proceedings have been completed—a process that often takes several years.

That law flows from a Civil War era policy intended to protect veterans from unscrupulous attorneys. That policy arose at a time—unlike today—when attending law school was not required to become a lawyer and there was no effective professional oversight of lawyers.

In recent months, it has become abundantly clear that many veterans and their survivors want the option of hiring an attorney to help them navigate the increasingly complex VA system. In fact, the prohibition against veterans hiring attorneys is considered to be unfair and outdated by a broad spectrum of individuals and organizations, including veterans' organizations, veterans' advocates, judges, law professors, and bar associations.

For these reasons, I am very pleased that a compromise version of legislation I authored was accepted that would allow veterans to hire attorneys after a veteran files a Notice of Disagreement with VA's initial decision on their claim.

A provision of S. 3421 will enable the spouses of seriously wounded veterans to obtain educational assistance benefits sooner than they have ever been able to before.

The need for the educational assistance provision was brought to my attention by U.S. Army SFC Jeff Mittman, a young man who was blinded after an attack in Iraq and is being treated at Walter Reed Army Medical Center.

Sergeant First Class Mittman's wife would like to begin receiving educational assistance benefits from the VA while her husband undergoes treatment in order to improve her job opportunities once he is officially discharged from service, but is now prevented from doing so by law. If enacted, S. 3421 would remove that barrier.

Finally, S. 3421 would remove the cremated remains of a convicted double murderer from Arlington National Cemetery.

In the summer of 2005, we learned that the remains of a brutal murderer—Russell Wayne Wagner—were placed in the Nation's preeminent military cemetery, Arlington National Cemetery.

I was appalled to discover that the law enacted in 1997 to deny capital offenders from burial in national cemeteries did not apply to Wagner.

This was also quickly brought to my attention by the Senator from Maryland, BARBARA MIKULSKI. We joined together in that effort. The answer was it couldn't happen, it couldn't be removed because of the law.

While we moved swiftly to close the loophole that permitted Wagner's burial in the first place, the question remained: Should his remains continue to be included among the scores of honored dead in Arlington? For me and Senator MIKULSKI, who joined me in this effort, the answer was ''no.''

That is why I am so pleased that S. 3421 would direct the Secretary of the Army to remove Wagner's remains from Arlington.

As I stated last summer, we must not dishonor the sacrifices made by those memorialized at our Nation's military cemeteries by including among them individuals who, through their own heinous acts, have grievously dishonored themselves because at another time in their life they were veterans.

S. 3421 is an impressive assortment of legislation. It contains the collective work of more than 44 Senators. I want to take some time to single out a few of them.

Senators BURR and OBAMA for their work on the homeless assistance provisions of the bill; Senators HUTCHISON, FEINSTEIN, GRAHAM, LANDRIEU, and MURRAY for their work on the construction provisions; Senators THUNE, SALAZAR, and BURR for their work on the rural health components of the bill.

And lastly, the committee's ranking member, and a true friend of veterans, Senator AKAKA.

I ask my colleagues for their vote. And I thank every Senator on the committee and in the Senate for their support in seeing this, and all of the other veterans' bills, through the Senate.

I also want to thank my House colleagues, in particular Chairman BUYER, Ranking Member EVANS, and Acting Ranking Member FILNER. We were able to come together in the spirit of compromise in the final hour on some key provisions, and it is a fitting way to end this Congress.

As we head into a new Congress, I want to extend my best wishes to my friend, and soon-to-be chairman, Senator AKAKA. It has been a pleasure working with a Senator of his quality, and I pledge that as ranking member I will strive to emulate the kindness, cooperation, and ''aloha'' that he showed me during my time as chairman of this great committee.

I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I commend the distinguished chairman of the Committee on Veterans' Affairs. Senator CRAIG has done an outstanding job of making sure the laws that weren't working, where we were not doing what we should be doing to help our veterans, were changed.

He has worked a long time on the bill now coming to its final passage—finally. He has been working on it for 2 years, that I am aware. He has done a terrific job. There is a lot of authorization that is essential to go forward next year on appropriations.

I appreciate the work of the Senator. He is retiring as chairman of the Committee on Veterans' Affairs and going to ranking member. I know his working relationship with the new chairman is such that we will continue to see progress in this area.

MILITARY CONSTRUCTION APPROPRIATIONS

I will talk about the continuing resolution being passed by the House in a few hours that will be sent to the Senate. We will send that bill to the President to meet the midnight deadline so Government can continue to function.

I am talking tonight about this bill with very mixed feelings because I am chairman of the Appropriations Subcommittee on Military Construction, Veterans' Affairs and Related Agencies, and I wanted to pass the full bill, the appropriations for military construction, and I wanted to make sure we covered our veterans' needs. It is an important subcommittee, of which I have served as chairman these last 2 years. I have worked with my ranking member, Senator FEINSTEIN, to assure we had the funding we needed. Senator FEINSTEIN and I were ready to go on our bill. It passed in September. It is a bill that passed unanimously in the Senate. I know everyone agreed we had

covered the bases that need to be covered to do what is right for our military—active duty and the veterans—who have served our country in the past.

Unfortunately, our full bill is not going to pass. It is not going to pass because, first, it was held up in the Senate for appointing conferees, held up by a few Senators who thwarted the majority. I was very disappointed we lost those weeks. Our Appropriations Committee chairman THAD COCHRAN tried, as I, to pry the bill out so we could go to conference and work with the House.

Finally, this week, through the leadership of Senator FRIST and Senator STEVENS from Alaska, the chairman of the Appropriations Subcommittee on Defense, we were able to alleviate all of the concerns raised and get the bill to conference.

Then, unfortunately, the members of the House committee had determined we did not have enough time to conference the bill. I think we did have enough time. We had the time to do all of the construction that should be started right now. However, that is not going to happen.

I would not have allowed this bill to go forward, and I would be speaking against it right now if we did not have a provision in the House-passed continuing resolution that will give budget transfer authority to the Department of Veterans Affairs so that there will be no medical need, no service need, no payment to any veteran that will not be made before this continuing resolution runs out.

If that provision had not been added in the bill, we would not be passing this bill tonight because I would be talking all night to keep it from passing.

I called the Secretary of Veterans Affairs this afternoon, and I asked him if he could assure me that there would be enough money in the accounts from which they could transfer to assure that all of the medical needs, including surges in medical needs, would be able to be given. The Secretary assured me that is the case. The Secretary said they had enough surplus money, enough rainy day fund money, and enough money in the other accounts that they would not hurt the other accounts and they would be able to transfer. He did say that by the time we got to February 15, if we didn't have a full bill, they would be beginning to run into trouble. He gave me his word—and I know his word is good—that if they see some shortfall that would start happening before February 15, and if there is no bill, he would call me immediately, and we would begin to work on a supplemental approach.

I am certainly going to trust his word. Secretary Nicholson has been a man of his word throughout these years I have worked with him. He is a veteran himself, a distinguished veteran. He knows the veterans issues. He cares about veterans. He will call, as he did last year when he saw a looming shortfall and he asked for help and we gave him the help to assure the veterans' needs would be met. We are going to cover it, and we are going to do it in a way that will assure that the medical care is given.

I have to say, I am disappointed we are going to adjourn without completing the full bill, without completing the military construction so it can start right away, without completing the appropriations and the priorities that we are putting in the next year for veterans. I know they will not suffer in any way because Secretary Nicholson assured me of that.

I will be watching. I will be staying on top of the VA's financial situation throughout this period that the continuing resolution is going to run, to the middle of February. If a problem arises, I will not stop advocating for the supplemental appropriation that will be necessary to assure we have the funding we need.

We will work together in this Congress to assure that the men and women who are protecting our freedom, as we speak today, get the quality of life they deserve. We will continue to work together to assure that the veterans who have served our country, who have answered the call of our country, are given everything to which they are entitled and which we owe them.

I am going to be the ranking member of this subcommittee next year, having served as chairman for 2 years with a wonderful ranking member, Senator FEINSTEIN. It has been pure joy. She has a wonderful staff. We have never had a disagreement that couldn't be worked out. We have made sure the priorities, which are the same for both of us, have been met. I will be a loyal ranking member, and I hope the new chairman will have the same relationship and the same overall goal for Military Construction and Veterans Affairs that Senator FEINSTEIN and I have had. I believe he will.

I am going to vote for the continuing resolution. However, I could not be more disappointed that we did not pass the full appropriations bill for Military Construction and Veterans Affairs. I know the veterans will be taken care of, and I know the military construction will begin with the new starts a couple of months late. We will get those projects done with that small delay. I am going to make it my priority to assure that happens.

Senator STEVENS has come to the Senate. I want to say, in addition to Senator COCHRAN, Senator STEVENS and Senator INOUYE have been the advocates for our military throughout the time I have been in the Senate. I am honored to be a member of the Appropriations Subcommittee on Defense. I know those two leaders work together, as Senator FEINSTEIN and I do, and that is with one goal: to make sure the military, who are in harm's way, who are fighting so we may speak freely in this Chamber, who are fighting for our children and grandchildren to have the freedom we enjoy and that has been given to us by generations past, will have the opportunities they deserve, and that is the quality of life that we can give them.

I thank the Senate for coming to the end with this continuing resolution. I will support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I wish to take a few minutes. I ask unanimous consent the Senator from Ohio, Mr. DEWINE, be permitted to take the floor following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, we ought to understand what we are talking about now because the bills that are before the Senate now and the CR should have been enacted by October 1. This bill will move that money out to February now and will not be available to the department agencies until sometime in February.

I am concerned about this because prior to this Congress, the quality-of-life money for the members of the Department of Defense was under the Appropriations Subcommittee on Defense that I cochair with my friend from Hawaii, Senator INOUYE.

We are disturbed that Congress has not finished its work on the Military Construction and Veterans Affairs appropriations bill. To me, the failure to complete this work is inexplicable.

I am disappointed we are unable to reach an agreement with the House on the matters contained in this bill and to realize the necessity of completing action on the bill in total. We are neglecting our congressional responsibilities by not completing work on this bill. It is unfortunate. We have had a considerable amount of time to do so.

This is not a routine disagreement between Members of the House and the Senate. This is a disagreement that affects our Nation while we are at war. We have hundreds of thousands of service men and women deployed around the world. This sends a message we are not willing to take the time to finish the work necessary to assure they have the money, the funding, the facilities to do the work we have asked them to do. It will have an impact on military life and the morale of our armed services.

The Military Construction appropriations bill not only contains money for military construction and for quality of life, but it also contains the money for our veterans. In total, it provides critical funding for family housing, barracks, mission facilities, implementation of the base closure and realignment process, maintenance of defense and veterans facilities, environment cleanup, the Defense Health Program, and medical care for our veterans.

Now I am told that the CR does now come up to the President's request for

the medical health program, and that really removes part of my objection to proceeding on this bill. Without this bill, the Department of Defense and Veterans Affairs have to contend with this continuing resolution. Most people do not understand it. It means these moneys will be postponed until mid-February, the additional moneys that are necessary to meet the additional demands being placed on our Armed Services before September 30. We are supposed to finish this bill by September 30.

I am told the Department of Defense will not be able to start a single military construction project, although those projects were authorized more than 3 months ago. It means the projects cannot be started until the regular bill is passed. I hope it will be passed in February.

Now, I took the time to go to Italy and look at the new Army base there and the new Air Force base there, as we are redeploying our forces from Germany and other places into Italy. Those projects involve barracks, quality of life facilities, and family housing. That cannot go forward. The money will not be available because it was not covered by the 2006 appropriations bill. It is not covered by this continuing resolution.

I think it is true now, because of what I mentioned, the Veterans' Administration should be able to sustain the medical care for our veterans without disruption. But I can tell the Senate, they will not be able to go much more than mid-February without running into real trouble. So one of the first bills that ought to be considered when we get back is the Veterans appropriations bill.

I am here tonight because I announced to our conference I would oppose this CR unless it contained these bills in it. After consulting, and my staff consulting, with the Department of Defense, the Veterans' Administration, and understanding what the House has done now since that time on the medical portion for the Veterans' Administration, it does not seem possible for me to do that now. All I can do is express my deep reservation about voting for this bill under the circumstances.

We should have had at least the balance of the military money and the veterans money made available by this Congress before we went home. And I am really disappointed it is not possible.

Mr. President, I say to the Senator from Texas, you wish the floor again? The Senator from Ohio would follow me, but you wish to comment?

Mrs. HUTCHISON. Mr. President, I would just like to clarify, with the Senator from Alaska on this subject, that the Senate did act. The Senate did pass our bill, and we did appoint conferees, and it was a lack of willingness on the part of the House to have conferees meet with the Senate. His disappointment is the same as mine.

I am going to start working on January 4, when we are sworn in to the new Congress. And I hope we can take the bill that has been passed unanimously by the Senate and work through the appropriations process and pass this bill before the continuing resolution is ended on February 15. We do not have to wait until February 15. And once the committee is constituted, and we have a chairman and a ranking member, I will be the ranking member, and I will work with the chairman. And I hope we can pass this bill because it is in very good order and it was unanimously supported by the Senate. And I think we are pretty close to what the House passed. I think, with a strong will, we will be able to come in before February 15 and start those projects about which the Senator from Alaska just spoke.

So I will look forward to working with him in the new year, both for Defense appropriations and for this Military Construction bill and the Veterans Affairs bill and the military quality of life that is in the bill that we passed in the Senate earlier this year.

I thank the Senator.

Mr. STEVENS. Mr. President, I thank the Senator from Texas for those comments.

My point is, the Congress as a whole should have finished its job. We should have done this job before this Congress ends, particularly for those bills which impact the men and women in our Armed Services, their families, and the veterans who have served, particularly the new class of veterans now who are coming out of the service, many of whom are wounded. Many of them have readjustment problems. This bill, the bill the Senator from Texas and her subcommittee prepared, would have answered many of those problems. It would have made money available now to deal with them.

I am chagrined that bill is not going to pass. I think it is a failure of this Congress. And we ought to admit it is a failure. But as far as this Senator is concerned, we have done everything we can to try to rectify that. It is just not possible to get the Congress to vote. The House has already voted. I do not think it is possible for us to try to amend this bill now. And I am told the agencies involved have reviewed it and say they will find a way to continue their work until February without it.

That does not answer the question to me though because the things they should start now would be well underway by February, and it will not be possible with postponing this bill. It is a tragedy we are not able to complete our appropriations process, in my opinion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

HONORING OUR ARMED FORCES

JERKO ''JERRY'' ZOVKO

Mr. DEWINE. Mr. President, I rise this evening to pay tribute to Jerko Zovko, a civilian contractor from Cleveland, who was killed on March 31, 2004, while doing his security work in Iraq.

Jerko—or ''Jerry,'' as he was known by his family and friends—could be described as many things. He was a family man who maintained a close relationship with his parents, brother, and others in his Croatian community outside Cleveland. He was extremely bright, being fluent in five languages. He was extraordinarily brave, having served as an elite Army Ranger in Bosnia and Kuwait and then as a private security agent in Iraq.

Perhaps best described by his mother, Danica, ''Jerry was a man with a principle and ideals. . . . He loved people. He wanted the world to be without borders, for everyone to be free and safe.'' Jerry gave his life for what he believed in, for a people who he thought deserved their freedom.

Born in Cleveland and raised in Euclid, OH, Jerry and his younger brother Tom cultivated their Croatian heritage through their tight-knit family and community. Jerry attended St. Christine School and then Euclid High School, where he played soccer. In his free time, he worked with his father at the family auto body shop. Known as a skinny kid growing up, no one could have predicted that he would grow into the hulking military man as his family lovingly described him.

Following high school, Jerry went to Ohio State University with the intention of becoming a doctor. However, his aspirations changed after a life-altering trip to his family's homeland of Croatia when the country was achieving its independence from the former Yugoslavia. Jerry predicted correctly that conflict was about to erupt in his family's homeland, and he wanted to be ready. He returned to the United States and enlisted in the Army when he was 19 years old.

Jerry was dedicated to the idea of universal freedom and he lived his life in pursuit of that goal. Jerry spent 8 years in the Army as a member of the elite Army Rangers and served mostly overseas, including in Bosnia and Kuwait. His personality shone through in whatever he did. Army buddies remembered with fondness how Jerry built a swimming pool on the roof of the barracks and how he would zip around the base on a motorcycle with a sidecar.

Not wanting to worry his family, Jerry used to tell his parents that he never saw combat because he was ''just a cook.'' Though he knew his parents constantly feared for his safety, Jerry continued to risk his life for the good of others.

After being discharged as a Sergeant from the Army in 2001, Jerry joined Blackwater Security—a private security company—and worked for some time in Dubai. Jerry then decided that the Iraqi people needed his help. His family pleaded with him not to go, but in their hearts they knew that Jerry would do what he believed was right.

His brother Tom recalled Jerry's independent streak and that no one could stop him from doing what he set out to do. His mother remembered a talk they had before Jerry left in which he told her that he was needed in Iraq and that we all need to support our troops and stay united.

While working in Iraq, the newly freed people were Jerry's first priority. He started to learn and speak Arabic, because as he said, he wanted to help the Iraqis and he wanted to do it on their terms. Jerry worked in a number of hotspots in Iraq and never shied away from a tough job.

Jerry eventually lost his life while guarding a food truck in Fallujah. Like the way he lived his life, Jerry lost his in the service of others.

I had the privilege of attending the calling hours for Jerry and am grateful for the chance to talk to Jerry's family about their son, brother, and friend. I thank them for sharing their memories with me.

We will never forget Jerry Zovko. It became apparent, in talking with his family, that Jerry will forever live on in the hearts and minds of his parents Danica and Jozo and his brother Tom. Jerry touched the lives of everyone he met, whether they were family, members of the Croatian community, Army buddies, or people living on the other side of the world.

May we all remember this great American hero.

My wife Fran and I continue to keep his family in our thoughts and in our prayers.

Mr. President, since February 2002, I have come to this floor to honor and to remember the brave Ohio men and women who have died fighting for our country in Iraq and Afghanistan. It has been my very sad duty to give 153 of those speeches.

These courageous servicemembers—with the many faces of Ohio, the many faces of America—came from the smallest villages in our State and came from the largest cities. Some came from our farms. Some were born in Ohio and in America. But others were born in foreign lands far away. Some were 18 or 19 years old. Some were in their forties. Some were privates and lance corporals, while one was a lieutenant colonel. Some joined the military as a result of the September 11 attacks, while others planned on a career in the military from their youngest days, marching around as small children in their fathers' uniforms.

Some, Mr. President, Members of the Senate, had seen a lot out of life, while for others—most of them, really—their lives had just begun. All of them, though, shared something in common. All of them changed lives in countless ways, leaving enormous impacts on their families and their friends and their loved ones. Their absence leaves a gaping hole in the lives of those left behind. And while that makes it very hard, we also know that the world is a better place because these brave men and women were a part of it. It is a better place because they lived.

We are all so very fortunate to have had them in our lives for the all-too-brief time that we did. And for that, we are eternally grateful. We, as citizens, will never be able to repay these Ohioans for their service. We know when we lose a servicemember there is, as Ronald Reagan said, a tear in the fabric that holds us all, holds us all as Americans, and holds us together, and that there is really no way to repair it.

President Theodore Roosevelt perhaps put it best when he said:

> Their blood and their toil, their endurance and patriotism, have made us and all who come after us forever their debtors.

We are, indeed, in their debt.

As John F. Kennedy once said:

> A Nation reveals itself not only by the men [and women] it produces, but also by the men [and women] it honors [and] remembers.

That is exactly what I have tried to do these past few years, speaking about these brave and courageous Ohioans. It is about honoring and remembering each of these truly unique, wonderful souls. Our Nation is proud of them. They lived their lives well, with great purpose and commitment and love of family and country. And for that, we will never forget them.

I would say to the families of those who have died in Iraq, Afghanistan, training exercises, service to our country, that I will remember them and I will think about them until the day I die.

APPRECIATION TO SENATE COLLEAGUES AND STAFF

Mr. DEWINE. Mr. President, early on Thanksgiving day, Mary Frances Darling was born. She is our 10th grandchild and the 6th child of our daughter Jill and her husband Bill. As I said on election night this year, I am a very lucky man. I am blessed with a wonderful family.

I am also blessed because for the last 30 years—30 years—the people of Ohio have given me the opportunity to represent them, first as Green County prosecuting attorney, then as State senator, then as a Congressman for four terms from the seventh congressional district, then Lieutenant Governor, and now, for the past 12 years, in this wonderful body as a U.S. Senator. For that opportunity, I will be eternally grateful.

When I came to the Senate in 1995, it had been a little over a year since our daughter Becky had been killed. I was, quite candidly, still numb. We as a family had been through a lot. But I knew that our time here on Earth is short, and I wanted as best I could to spend my time in the Senate, whatever time I had, working on tangible things, getting concrete results that impact the lives of families in Ohio and in our Nation. I have tried to do that, but I have not done it alone. Whatever I have achieved has been with the help of so many people.

Over the past 12 years, I have worked with every Member of this Senate, and I consider each Member of this Senate a friend. I have had the privilege to work with two Republican leaders and one who in January will become the Republican leader.

TRENT and Tricia LOTT were two of the first people Fran and I met when we came to the House in 1983. Tricia is Fran's best friend here in Washington, and TRENT is my dear friend. I have benefited from his counsel, from his advice, and from his help, now for well over 20 years.

BILL FRIST and I came to the Senate together in 1995. Karyn and BILL are very good friends. BILL has been an unbelievably accessible leader. We share a passion for fighting the spread of AIDS. BILL's public role in that cause is obvious and apparent to everyone. But what is not so obvious and what is little known is what BILL FRIST has done behind the scenes, what his role has been in working with so many people, working with the White House and others to get this job done. No one has played a bigger role. And when the history is written, BILL FRIST's name will be there in bold print as someone who has saved so many, many lives.

MITCH MCCONNELL. MITCH and Elaine are dear friends. When I faced the tough challenge of getting a bill or amendment passed, I went to MITCH. I have done it for 12 years. I did it as recently as yesterday. MITCH MCCONNELL is tough. He is strong. He is wise. He will be a great leader. His advice as to how to thread the legislative needle is responsible for so much of what I have passed. He also has a big heart, as was demonstrated time and time again when I would go to him. He is chairman of the Foreign Operations Subcommittee. After I talked to him, he would, at my request, put money into things which saved children's lives, child survival or to save little children, little babies in Haiti. He did it. He got it done. He made a difference.

I have been lucky enough to serve on the Judiciary, Appropriations, HELP, and Intelligence Committees, and I want to thank the chairmen who have led those committees over the past 12 years. I was the first Ohio Senator to serve on the Appropriations Committee since 1945. With the help of Chairman STEVENS, Chairman COCHRAN, and their staffs, I was able to secure well over $1 billion for projects throughout Ohio that make a difference.

I particularly thank ARLEN SPECTER. I thank his clerk and my good friend, Bettilou Taylor. They have both been so helpful to me in securing millions of dollars for programs through Labor-HHS appropriations. These two dedicated public servants helped me provide funding for important programs, things such as the Children's Hospital Graduate Medical Education Program and projects in Ohio to build facilities and provide services for people with disabilities. They also helped me fund projects to help meet the health needs

of seniors and low-income communities throughout the State. Because of them, I have been able to secure over $12 million for Ohio's children's hospitals.

Senator SPECTER, Bettilou, let me tell you from the bottom of my heart and on behalf of Ohio's sick and poor kids and their families, I thank you.

I also sincerely thank Judiciary Committee Chairmen SPECTER and HATCH; HELP Committee Chairmen ENZI, GREGG, and JEFFORDS; and Intelligence Committee Chairmen ROBERTS and SHELBY. I have been fortunate to have passed dozens of bills and amendments in my career in the Senate, and most of them were provisions that I worked along with these chairmen to pass. It would never have happened without them. I appreciate their help.

I appreciate all the help Finance Committee Chairman CHUCK GRASSLEY has given me—a dear friend—especially when it came to passing my bills to improve the foster care and adoption system. I have worked with many Members of the Senate on this very important issue, foster care and adoption, including Senators JAY ROCKEFELLER, MARY LANDRIEU, LARRY CRAIG, DANIEL PATRICK MOYNIHAN, JOHN CHAFEE, JESSE HELMS, BILL ROTH, JIM JEFFORDS, DAN COATS. They all shared a passion for foster care children. They all shared a passion for the adoption issue.

I also thank my good friend from Pennsylvania, my friend who keeps the candy drawer over there, RICK SANTORUM. Like so many who spoke about him yesterday, I applaud RICK for his passion and his absolute fearlessness in standing up for what he believes. I recall being on this floor many nights late at night during the debate over partial-birth abortion. Some nights it was just RICK and me, and we closed this place. He got it done. I thank him for that.

I also remember how Senator SANTORUM stood with Senators LINDSEY GRAHAM and SAM BROWNBACK to help me pass my unborn victims of violence bill and see it signed into law. It took several years to pass this legislation, and Congressman GRAHAM had been the sponsor and was the sponsor of the bill in the House. I applaud his determination to get this done. When it comes to foreign policy issues, I share an interest in Western Hemisphere issues with my friends Senator NORM COLEMAN, the chairman, and MEL MARTINEZ. MEL, thank you. Senator COLEMAN has admirably served this body as chairman of the Western Hemisphere subcommittee. I sincerely enjoyed travel with him to Haiti.

I also enjoyed traveling to Africa with the good Senator from Tennessee, LAMAR ALEXANDER. LAMAR has contributed a great deal to this body. He will contribute more, especially in the area of education policy, where he is clearly the expert.

Senator JUDD GREGG and I also worked on a very important education issue. He started it. He worked it. I helped him. We got it done. That is the School Choice Program here in Washington, DC. We broke the logjam. We got it done. I applaud his commitment to the children of this, our Nation's Capital.

I thank my friends CHUCK HAGEL and LINDSEY GRAHAM for the good conversations they have shared with me on foreign policy issues. Speaking of that issue, I thank my neighbor on the floor and my neighbor to the west in Indiana, DICK LUGAR, for being the rock that he is on foreign policy and for giving me good counsel and advice.

I want to thank my dear friend JOHN MCCAIN, with whom I came to the House of Representatives in 1983 and who has been my friend since. I thank him for his courage. I thank him for his wise counsel on military and foreign relations issues.

I also thank a dear friend of mine who does not now serve in this body, former Senator and Secretary of Energy Spence Abraham. He did a lot of things. One of the things that took guts and courage is he fought with me and others to protect legal immigration while he served in the Senate. He took a lot of flack for it.

I was honored to work with Senator GORDON SMITH, Senators HARRY REID, JACK REED, and CHRIS DODD, to pass the Garrett Lee Smith Memorial Act. I applaud Senator SMITH and his wife Sharon for having the courage to take the tragedy of their son Garrett's suicide and do so many wonderful things with it. They are wonderful people.

Last year, I was extremely proud to be one of 14 bipartisan Members of this great body who decided to work together to break what had become a gridlock in the Senate over judicial nominations. In the grand tradition of the Senate, individuals from both political parties came together that time to solve a problem which threatened not only the judicial nomination process but was threatening to shut the Senate down completely. I want to thank my friends with whom I was proud to stand in that effort: JOHN MCCAIN, JOHN WARNER, LINDSEY GRAHAM, OLYMPIA SNOWE, SUSAN COLLINS, LINCOLN CHAFEE, JOE LIEBERMAN, Senator BYRD, BEN NELSON, MARY LANDRIEU, DANIEL INOUYE, MARK PRYOR, and KEN SALAZAR. They got it done.

I thank my friend, my colleague, my partner, Senator GEORGE VOINOVICH. GEORGE and I have worked together in the Senate on so many things for Ohio, from NASA Glenn to the Great Lakes. We first got together in 1989. We joined up as partners in 1989 when I decided to leave the U.S. House—it was a tough decision for me—and join him as his Lieutenant Governor candidate. I have not regretted it. It was the right decision, and we have worked together ever since then. I thank him and I thank his wonderful wife Jan for their friendship and love.

I also want to thank all the members of the Ohio congressional delegation with whom I have sincerely enjoyed working over the years. I have worked with every one of them. They have all made a difference. They are all my friends, Democrats and Republicans. Specifically, I extend my appreciation to my Congressman, my dear friend DAVE HOBSON. He is a savvy man. I have gone to him many times for advice, and I have gone to him to get things done for Ohio.

I would be remiss if I didn't thank the wonderful staff people in addition to my own staff whom I have had the pleasure to work with in the Senate. I thank the outstanding Senate floor staff: Dave Schiappa, Laura Dove, and all the other floor staffers who are such wonderful professionals and who serve us all so well. Thanks to the staff of the Republican leadership: Eric Ueland; Bill Hoagland, whom I talked about earlier today and whom I go to for advice a lot; Kyle Simmons, Malloy McDaniel, Laura Pemberton, and on and on.

I also thank all the committee staff with whom I had the pleasure to work. They are too plentiful to name, but I cannot leave this body without thanking my dear friend Mary Dietrich, clerk of the DC Appropriations Committee. I saw Mary on the floor last night. I so enjoyed working with her. She is a pro. She is great. I also thank Paul Grove, clerk of the Foreign Operations Subcommittee, who worked with me in helping increase funding for the various humanitarian aid programs. I know he got tired of seeing me coming, but he was always gracious and got the job done.

If there is one thing I have learned in the Senate, it is that you must work together with members of both parties, Democrats and Republicans. I see my friend on the floor, Senator PAUL SARBANES, who will be leaving. I have worked with him over the years. I have worked with many Democratic Senators over the years. I want to take a few minutes to thank them for their willingness to set aside party politics to make a difference and to get tangible results.

First, I thank my very good friend Senator CHRIS DODD. Senator DODD and I have worked together on many bills that have become law. We worked together—not once, not twice, but three times—to pass three bills into law to expand the research and testing of drugs prescribed for children. Senator HILLARY CLINTON also joined us in this effort, and I thank both of them for their dedication and dogged determination in helping to ensure our children have access to the medicines they need.

Senator DODD and I also came together to create a national toll-free poison control hotline—I will remind my colleagues one more time of that number: 1–800–222–1222.

Senator DODD and I also share a commitment to providing additional resources for our Nation's firefighters and first responders. We know that these men and women have the responsibility of looking out for us and our

families, and we, in turn, have a responsibility to provide them with the resources they need to do their jobs. Together, Senator DODD and I passed the Fire Act in 2000, and that law has provided over $3.1 billion for grants to fire departments around the Nation for needed equipment, training, and communications technology. I am proud of the over $100 million in Fire Act grants that my home State of Ohio has received.

Finally, Senator DODD and I worked together with a wonderful American statesman—Senator Daniel Patrick Moynihan—to pass the Nazi War Crimes Disclosure Act, which has led to the declassification of countless U.S. Government files containing information about Nazi war criminals. The American people deserve to have access to this information. For all of our work together, Senator DODD, thank you.

Mr. President, I want to thank Senator JAY ROCKEFELLER for joining me in fighting to make our adoption system work better for children around the country. My good friend Senator ROCKEFELLER was the lead cosponsor of two of my bills that we got signed into law, and I was the lead cosponsor of one of his bills that also became law. These laws have helped minimize the amount of time children spend in foster care and increased the number of adoptions across the country.

Those laws are making a difference every day. They are changing children's lives.

As members of the Senate Steel Caucus, Senator ROCKEFELLER and I also worked successfully together to impose tariffs against foreign countries that were dumping steel in the United States. The dumping by these countries was hurting our steel industry and, therefore, it was hurting families throughout Ohio and West Virginia. Senator ROCKEFELLER and I also teamed up to increase automobile and highway safety. He is a champion there, too.

Last year, Senator ROCKEFELLER was the lead co-sponsor of several bills with me that will save lives on our roads. Together, we passed these bills into law as part of the last Highway bill. We will never know the names or faces of the people whose lives will be saved by these laws, but it is enough for both of us to know those men, women, and children are out there. Senator ROCKEFELLER—it has been a pleasure to work with you. Thank you.

Mr. President, I want to thank Senator MARY LANDRIEU. Senator LANDRIEU and I share a profound concern for low-income students around the country and for the welfare of young people here in the District of Columbia. In 2001, we worked together to amend the No Child Left Behind Act to make sure that additional funding went toward low-income schools and the students who attend those schools. Since passage of our amendment, low-income schools in Ohio have received $259 million. I applaud Senator LANDRIEU for her commitment to these children.

I also want to thank Senator LANDRIEU for the excellent work we did together on the District of Columbia Appropriations Subcommittee. We worked together on this subcommittee from 2001 to 2004, and again, our focus was on improving the health and well-being of children. We improved the city's long-troubled foster care system and helped fund various improvements to Children's Hospitals in the District. It was truly a pleasure working with the good Senator from Louisiana.

Mr. President, I have had the great fortune to work closely on the Judiciary Committee with my friend Senator PAT LEAHY. I am proud of the many things that we worked on together. Specifically, we both know that our State and local law enforcement officers need to have the best technology available to protect our families and loved ones. I thank Senator LEAHY for working with me in 1998 to pass the Crime Identification Technology Act, known as CITA. We worked together to develop, pass into law, and provide funding for this critical bill, which has included over $500 million to help law enforcement officials purchase cutting edge forensic and communication technology and improve their crime labs—all in an effort to help local law enforcement fight crime and make our communities safer.

I also appreciated working with Senator LEAHY to pass my bill in 2003 that eliminated the statute of limitations for child abduction and sex crimes and required child pornographers to register as sex offenders. Finally, Senator LEAHY and I worked together, along with Congressman TED STRICKLAND in the House, to pass my Mentally Ill Offenders bill and get it signed into law in 2004. This law goes a long way toward providing mental health services for criminals desperately in need of those services. Thank you, Senator LEAHY. And, of course, neither of these laws would have happened without the help of Judiciary Chairmen SPECTER and HATCH.

Mr. President, since 1997, I have been a member of the Judiciary Antitrust Subcommittee. During my time in the Senate, sometimes I chaired the Committee, and sometimes my friend Senator HERB KOHL chaired the committee. But, no matter who had the gavel, we ran it the same way—as a bipartisan committee, which shined a light on competition issues and helped consumers and businesses get a fair shake in the marketplace. Both of our staffs planned the subcommittee agenda together, organized hearings together, and held meetings together. That is exactly the way it should be, and I am proud that Senator KOHL and I were able to achieve and promote a bipartisan consensus on important antitrust issues in many critical parts of our economy.

Senator KOHL and I also worked together to write and pass into law the DNA Analysis Backlog Elimination Act in 2000. We worked on this bill after learning that many law enforcement agencies did not have the funding to process DNA material from crime scenes and those DNA samples ended up just sitting on shelves and not getting analyzed. Our law provides funding to process these samples, identify criminals—such as rapists—and get them off the streets. It has truly been an honor and a privilege to work with HERB KOHL.

Mr. President, I also have had the distinct pleasure to work together with Senator MIKULSKI on the Retirement Security and Aging Subcommittee and the Aging Subcommittee. I always knew that my good friend from Maryland was a tough negotiator, but over the last Congress, I was reminded of just how determined and tough she can be when she knows she's in the right. Thank heavens, she and I were on the same side.

Senator MIKULSKI and I worked together this year and in 2000 to reauthorize the Older Americans Act, and we also joined forces to fight against efforts to weaken the pension plans of millions of manufacturing retirees and employees. It was during these negotiations that I was glad to have a partner as tough as Senator MIKULSKI, and I thank her.

Since 1999, I have been the co-chairman of the Senate Great Lakes Task Force with the senior Senator from Michigan, CARL LEVIN. Together, Senator LEVIN and I have fought—side-by-side—to pass laws and increase funding to help restore and protect the Great Lakes. We passed the Great Lakes Legacy Act, which has brought over $60 million to clean up contaminated rivers flowing into the lakes, including $25 million to clean up the Ashtabula River.

Senator LEVIN and I also recently won Senate passage of the Great Lakes Fish and Wildlife Restoration Act to increase the authorization of grants to protect the Great Lakes, and we worked together to prevent invasive species from entering the Great Lakes by authorizing and funding a barrier in Chicago, where Asian carp might enter the Lakes. I thank Senator LEVIN for his dedication to this unique natural resource.

I have spent a great deal of my time here in the Senate fighting for those who are less fortunate and who cannot fend for themselves—not only here in the United States, but also throughout the world. Over the years, I have sponsored and passed several provisions that have increased funding for humanitarian programs.

I want to thank my good friend Senator DICK DURBIN for working with me to increase funding by $100 million for the Global Fund to Fight AIDS and to increase funding by over $60 million for the prevention of mother-to-child transmission of HIV/AIDS. Senator DURBIN has also worked with me to help provide assistance to the poorest

nation in our hemisphere—and that is Haiti. DICK, Fran and I traveled together to Haiti and I thank him for joining me in efforts to provide a better life for the people of Haiti. He is a good and compassionate man, and I thank him for his work and for his friendship.

Once again, these things would not have happened but for MITCH MCCONNELL, PAT LEAHY, and the people on the subcommittee who provided the money.

While I am talking about Senator DURBIN, I also want to thank him for joining me in passing legislation that guaranteed that the children of service members who die in service to their country don't lose their free health care coverage. Before our law, children of service members who died serving their country would lose their free health care after 3 years. But, children whose parents were in the military and did not die would receive health care until they turned 21. That just wasn't right, and Senator DURBIN agreed with me. Together, we changed that law. I thank him for working with me on that effort, and I thank Chairman WARNER for working with us on this bill, it could not have happened without him.

Mr. President, I also had the pleasure of working with Senators DURBIN, Corzine, BIDEN, and BROWNBACK, as we have tried help bring a stop to the terrible genocide that is occurring in Darfur.

Together, we have increased funding for humanitarian relief and security efforts in this war-torn region, where so many innocent victims continue to suffer. I was proud to join my friends in this effort, and I know they will continue this fight.

Mr. President, none of these important increases to these HIV/AIDS and humanitarian aid programs could have happened without the help of the chairman and ranking member of the Senate Foreign Operations Appropriations Subcommittee—Senators MCCONNELL and Senator LEAHY. To both of them and to their able staffs, thank you.

I want to thank Senator FRANK LAUTENBERG for working with me to set a national .08 blood alcohol content standard for alcohol-impaired drivers.

This was a tough fight, and Senator LAUTENBERG is a good man to have with you in such a fight. I am proud to say that in 2000, we successfully got our bill passed and signed into law.

Mr. President, I want to thank Senator BYRD, not only for the legislation that we have worked on together, but more importantly for the outstanding service he has given this body and this country. Senator BYRD and I worked together years ago to pass the Continued Dumping Subsidy Offset Act—a law that helped bring hundreds of millions of dollars to U.S. manufacturing companies that were the victims of illegal dumping by foreign companies. This law brought over $315 million to manufacturers in Ohio. Thank you Senator BYRD for the work we've done together and for your outstanding service to this Senate and to this Nation.

Mr. President, I want to wish the best to all of my fellow Senators who were defeated this fall or who are retiring this year—Senators FRIST, SANTORUM, TALENT, BURNS, ALLEN, CHAFEE, DAYTON, and JEFFORDS. They are all good people and all good friends. I wish them well.

Mr. President, I want to take a moment to say that I still miss my good friend Senator Paul Wellstone. Senator Wellstone was a determined and outstanding public servant. In 1998, Paul and I worked closely together to write the law that reformed and improved the effectiveness of job training programs. It was always a pleasure to work with Paul Wellstone—such a passionate and committed and dedicated public servant.

Mr. President, as my colleagues all know, none of us could get anything done here in this body if it were not for the extremely dedicated, hard-working people on our staffs. I am grateful for the men and women who work for me now and those who have worked for me all through my time in the United States Senate. I didn't say thank you often enough, but I ant each of you to know how much I sincerely appreciate all you have done for me—all you have done to help the people of Ohio and the people of this Nation. I say to them: You have done such great work. You have helped people. You have improved their lives and, in some cases, you have saved lives through your efforts. You have made a difference, and you all should be very proud. I know I am proud of each and every one of you.

I have been so fortunate to have had so many qualified, talented people working for me over the years. Time will not permit me to name each one, but I thank all of them collectively for their efforts.

Thank you to all the schedulers who through the years got me where I needed to go and kept me on track. I would be lost, literally, without you.

Thank you to all my personal assistants and executive assistants. You all have taken such good care of me, which, admittedly, has been tough to do. I have not made it easy.

Thank you to my press team—all my past press secretaries and press assistants. You have helped spread the word about the good things this team has done for the people of Ohio. I thank you for your diligence and dedication.

I thank my legislative staff—all my legislative assistants, professional committee staff, legislative aides, legislative correspondents, researchers, and writers. You have been the best team any Senator could ever ask for. I am proud of you. You have worked so hard, so tirelessly, and with such commitment. You got things done. You have made a difference.

Thank you to all my current and past staff assistants, receptionists, and interns. You have been on the front lines every single day. You have heard a lot. You manned the phones. You greeted all of our constituents. You have helped me in countless ways. You have done your job so well with great respect, grace, and patience.

Thank you to our mail team. One thing is certain in this business: the letters and e-mails never stop coming. That is a good thing. Thank you for opening all the correspondence, sorting it, taking care of it, and making sure responses got out. I bless you for that.

Thank you to all my past office managers and system administrators. You have kept my office running. Without each of you, we couldn't open our doors each business day. You are great.

Thank you to my entire team in Ohio—to all my current and past regional directors, district representatives, staff assistants, and caseworkers. You are the best Ohio has to offer. I am proud to have worked with each one of you. I couldn't have done my job without you. You all know our State so very well. You have been so caring and kind to our constituents. Thank you from the bottom of my heart.

While it would be impossible for me to talk about each of my past staff members individually, I would like to take a moment to say a few things about some of my key advisers over the years. I will dearly miss working with each one of you. Bluntly, I don't know how I am going to get along.

Thank you to my past and present finance team. They are the ones who got me here: Mary Sabin, Rachel Pearson, Amy Ford Bradley, and last, but certainly not least, Brooke Bodney, who has taken me through the last few years. You all have amazed me over the years. You have pushed me, prodded me, you made me do something I don't like to do: make phone calls and ask people for money. Please know how grateful I am to each one of you. Your jobs were not easy, and you did a phenomenal job.

Thank you to my past campaign managers—Curt Steiner in 1992, Laurel Pressler Dawson in 1994, Josh Rubin in 2000, and Matt Carle from my 2006 race. Curt has been my friend for over a quarter of a century. He is smart and political savvy. Laurel was a great campaign manager in 1994. I will have more to say about her in a minute. Josh has been a permanent fixture in the DeWine family since the early 1990s. I have always appreciated his advice and wise counsel. Matt did a fine job this past election cycle. He knows Ohio very well.

I would also like to mention my friend Chuck Greener who has been a friend for over 25 years. I am grateful for his friendship and wise counsel. He always takes my calls. He always calls back. He is there for me. He is there for Fran.

Thank you to each of the individuals who have served as staff directors of my subcommittees. Louis Dupart served as staff director for our Antitrust Subcommittee. Louis always came to me with such great legislative

ideas. He is the one who came to me with the idea of the Nazi war crime legislation. I will forever be grateful for that.

Pete Levitas also served for several years now as staff director for the Antitrust Subcommittee. Pete is a brilliant lawyer. He has been one of my most dedicated staff members, and he is one of the funniest people I have ever met. He can always make me laugh, and we always need people around us, Pete, to make us laugh.

Dwayne Sattler served as staff director for our Employment and Training Subcommittee. He worked tirelessly to help reform this country's job training program. A lot of the bill was his work product. I thank him for that.

Last, but certainly not least, Karla Carpenter, who has served as the staff director for three of my subcommittees: Aging, Substance Abuse and Mental Health Services, and Retirement Security. What in the world will I do without her? She has been with me since 1994. She is, as she likes to say, ''the smartest person she knows.'' Mr. President, let me tell you, she is certainly one of the smartest persons I know. She got our Adoption and Safe Families Act signed into law, as well as the Older Americans Act and pensions bill. Thank you, Karla.

I would also like to thank my able Intelligence Committee designee, John Pack, and my excellent former designees Jack Livingston and Jim Barnett. You have been great advisers.

I have been most fortunate to have had the chance to work with three of the smartest, hardest working legislative directors around. My first Senate legislative director and chief counsel was Nick Wise. He was also legislative director for me in the House of Representatives. Nick always had a unique ability to analyze an issue and drill it down to the essence of the matter, and then explain it to me. Unique talent.

My next legislative director was Robert Hoffman. He came to my office from Senator Larry Pressler's office, where he was the Senator's legislative director. Robert did a fantastic job for me. He has an unstoppable work ethic. He was so dedicated and had such a solid understanding of the legislative process. I thank Robert.

My current legislative director is Paul Palagyi. What will I do without Paul, who is my go-to guy on so many things? He has been my LD for nearly 6 years and has built an extraordinary legislative team. Paul has put up with a lot. He is also an adviser for my two dogs at home.

During my time in the Senate, I have had two speechwriters. My first Senate speechwriter was Mike Potemra. I can say with honesty Mike is one of the most intelligent people I know. He is just so knowledgeable. In his own words, Mike is an ''unusual guy.'' That he is, but he is also deeply endearing, and I am fortunate to have had the opportunity to work with him. I thank Mike.

Now, Mr. President, I come to the point in my speech where it is not scripted, and that is because it is about Ann O'Donnell. Ann O'Donnell has been my speechwriter. Ann O'Donnell has been someone who has made an unbelievable difference in my life. She is a tireless worker. She is a compassionate person. Fran and I have traveled with Ann to Haiti. I have seen her compassion for the children of Haiti. She is someone who never stops working.

During this past week, because I am leaving the Senate, because I would not be here in January, I have tried to finish giving tribute speeches to all soldiers and troops who died in Iraq and Afghanistan. It was an unbelievable task. Ann put it together. She got it done. We did 75 speeches this week. It wouldn't have happened without her. A lot of things I have done would not have happened without her. I thank her. I thank her for being who she is.

I have had two communications directors during my time in the Senate. First was Charlie Boesel. Everyone loves Charlie. His personality is as flamboyant as his taste in colorful clothes. Charlie was a pleasure to work with and did a fine job for us. I will tell you, it was great fun to have Charlie join us for a few days on the campaign trail. Fran and I were so happy to see Charlie back.

My current communications director is Mike Dawson. I first met Mike when I was running for Governor in 1989. Mike, whom I did not know, came to me and kept coming to us and said: Hey, I want to work for you, I want to help you on your campaign. We finally said yes, and he was on the campaign. He worked on my Governor's race and then my Lieutenant Governor's race when I joined George in his bid for Governor. Mike worked in the Voinovich administration, he worked for Senator VOINOVICH, and he has been my communications director for the last 5 years. I am grateful for his wise counsel. He is my friend. I will always remember what he has done for me.

I have had one State director while I have been in the Senate. That has been Barbara Schenck. Barbara worked with me when I was Lieutenant Governor. She is truly one of the finest individuals I have ever known. She is smart; she is articulate; she is spirited; yes, she is feisty; and she is passionate. She is also extremely compassionate. She has been my right hand in Ohio. I talked to her many days six, seven, eight times. I can't imagine not working with her in the days ahead, but I know she is going to do some amazing things. Barbara, you are the greatest. Thank you.

Finally, my chief of staff, Laurel Pressler Dawson. I truly believe—I have not checked this—that she has been chief of staff to a Senator and a Congressman probably longer than anybody in this body. Laurel has been my chief of staff since January 1983 when I entered the U.S. House of Representatives. We have seen and been through so much together in our personal lives, as well as professional. She has been there during the great tragedies in my family. She has always been there. When our daughter Becky died, she was at the hospital. She was the one who came.

She was the one person who had the ability to tell me no, and I would listen to her. Everybody needs someone who tells them ''no'' and listens to them. I have been privileged to have her be my most trusted adviser for over two decades. She always just got it done. She managed my organization with great skill. I cannot thank her enough for all she has done for me and for my family.

As my colleagues in the Senate are well aware, Fran and I have a big family. We are blessed. We are parents of 8 children, now the grandparents of 10 grandchildren. I would like to take a couple minutes to talk about my family before I end.

First I thank my oldest child, my son Patrick. I always turned to Pat for his thoughts on policy and politics and have so appreciated his help in my campaigns and his keen advice and his input. Pat's three boys—Michael, Matthew, and Brian—are a delight. They are a delight every day. They were a delight to have on the campaign trail. I thank each of them for all their hard work and their efforts.

I thank my daughter Jill, her husband Bill, and their children, Albert, Isabelle, David, Caroline, Justin, and newborn Mary Frances. Jill and Bill and the kids walked in so many parades this summer and fall and throughout the years, as all our kids have. I can't count them. They have always been so helpful and supportive. I thank Bill for his expertise on issues regarding persons with disabilities. He has helped me understand the needs of those with disabilities. He has helped me do more to help them.

Our son John recently completed his Ph.D. in ecology. Fran and I are so proud of him. He and his wife Michele and their sweet little daughter Josie Jean have recently moved to West Virginia, where John is now working on river restoration.

Our son Brian is engaged to Kalie Spink. They are planning their wedding for this coming April. Fran and I are so looking forward to that and looking forward to having Kalie join our family. Brian works in the best job probably in the family. He works for a minor baseball team, the Carolina Mudcats. I envy him every day.

I thank my daughter Alice for the sacrifices she made this year to help with our campaign. She is a law student at Ohio Northern University—my alma mater—and took the fall semester off to work on the campaign where she was in charge of coalitions. Thank you, Alice. You did a great job.

Our son Mark is a sophomore at the College of Wooster, where he runs cross-country and track. Mark is a good person, a person who is very compassionate. For his Eagle Scout project, he traveled to Haiti, a place my colleagues know is very important to Fran and myself. He planted trees

there. He worked with Father Tom Hagan and helped with the reforestation project.

Our daughter Anna is a freshman in high school. She is a runner like all her brothers and sisters. She is a sweet, quiet, caring young woman. She has put up with a lot this past year with her mom and dad being gone quite a bit of the time, going back and forth between Washington and Ohio. But she has handled it so well. We are very proud of her.

To each of my children and grandchildren, Mr. President, I simply want to say thank you and I love you.

As an only child growing up, I was dating Frances in high school and I used to love going over to her house because she had a big family. There was always something going on. I want to thank Fran's brothers and sisters and their families for all they have done for us over the years, their friendship and love and help and support. We are so very fortunate to have all of them in our lives. I want to thank Fran's parents, especially, Bill and Mary Struewing. You are great. No one could have a better mother-in-law and father-in-law. You have put up with me since Fran and I started dating in high school, for a long time, and for that I am very grateful.

Of course, I want to thank my parents, Dick and Jean DeWine. I have talked about my dad on the Senate floor many times in regard to the K-Company and what he did during World War II. I could not have asked for two more wonderful parents. They always believed in me. They gave me my interest in politics. They gave me their values. They gave me their work ethic, and I owe them everything, and I love them very much.

Finally, every day I think of our daughter Becky who died in 1993. Becky was a compassionate, honest, caring young woman who would have done so much with her life. I think of her every day. The things that Fran and I do for children, we do in her memory.

In conclusion, I love Ohio. I love our country. I see a great future for both my State and for America. I am an optimist. My wife Fran says that anybody with 8 kids by definition is an optimist, and I am an optimist. Throughout my career in the Senate and after I leave, I will continue to care about the health and education and welfare of our kids. I will continue to care about stopping the spread of AIDS around the globe. I will continue to help improve the lives of our world's most impoverished men, women, and children. I will continue to care about highway safety and the importance of making our cars and roads safer. I will continue to care about making our communities safe for our families, safe from crime, safe from terrorism.

As I leave the Senate, however, I leave behind unfinished business, as we all do, and I encourage my colleagues to continue the work we shared on so many different issues.

Just this week I introduced the Pediatric Medical Device bill with Senator DODD, a bill that will help ensure that our children have access to lifesaving medical devices that are designed specifically for small bodies. I hope someone will take up that cause.

I thank my colleague TED KENNEDY for working with me, and I was working with him, on the bill to give the Food and Drug Administration the authority to regulate tobacco. It is long past due. It needs to happen. It has not passed, but it will. I know it will pass. I know it will pass, because it is the right thing to do.

Two days ago I introduced a bill to make cars and roads safer for our families, especially our children. That bill would simply direct the National Highway Traffic and Safety Administration to research new ways to keep pregnant women and their unborn children safer in our cars. I hope someone will take that up as well.

I will finally conclude my remarks by thanking the most important person in my life, my bride of 39 years, Fran. As most people know, I would be literally lost without her. She takes care of me. She takes care of our family. She is our rock. Fran is my partner in all things. She is my best friend. She is the passion of my life. She is my love. She is everything to me. We met in the first grade. It took me until the seventh grade to talk her into going out on a date with me, and it took me 7 more years to convince her to marry me. I am a persistent man. We got married between our sophomore and junior years at Miami. We tell people it was a productive 4 years at Miami. We ended up with two degrees and two children by the time we left. I could not have done any of this without her by my side.

She has been through every one of my campaigns. She has done everything. Thirty ice cream socials for 2,500 people who just dropped by her house on a Sunday. She has done that for 30 years. She does anything and everything. She is smart, she is witty, she is organized, and she is very compassionate. She accomplishes more than anyone I know, and she never stops working. I love her more than anything else in the world. Someone said to me earlier this year that if I lost my reelection bid, it wouldn't be so bad, because even if I lost my Senate seat, Fran would still be there by my side. They were right. And for that, I am very fortunate.

Mr. President, my colleagues, my friends, come visit us in Ohio. That is where we will be. After this month, we will be in our home in the county where we grew up, the county where we were born, the county where we live. We will be home in Greene County. Come see us. You are always welcome.

I thank the Chair for his indulgence, and my colleagues.

I yield the floor.

Mr. REID. Mr. President, I know the hour is late and we have other speeches to give, but I wanted to comment briefly to my friend from Ohio. Senator DEWINE and I came to the House of Representatives together in 1982. We have careers that are similar. He served as Lieutenant Governor for the State of Ohio, I served as Lieutenant Governor of the State of Nevada. He served as a Member of the House of Representatives. I served as a Member of the House of Representatives. He and I served as Senators. Our backgrounds are also the same in that we are trial lawyers. I have heard Senator DEWINE speak on a number of occasions about his days of being a prosecutor.

I also want the record to reflect that I approach my brief remarks here tonight keeping in mind our days as trial lawyers, where you could go into a courtroom representing your client, whether it be the State or an individual, a corporation or an individual, and you would give that client your very best, as would your opponent. But when that trial was over, you shook hands and went on about your business.

I have also had the same experience as MIKE DEWINE. I have lost a statewide election, and I know that is not pleasant. But I want MIKE to know that I admire and respect the work he has done. His wife has been so thoughtful and kind to my wife. We all witnessed these speeches that he has given. Many more people have died in Iraq and Afghanistan from Ohio than Nevada because it is such a heavily populated State, and MIKE's tenacity in directing his attention to each of those families is something that will always be remembered here in the Senate.

MIKE, I want you to know that I want us to have the same relationship as you leave the Senate as if we were trying a case, and one won the case and one lost. We would walk out and shake hands. That is how I feel about you, someone who has been with me and I with you for 25 years, as Members of Congress and doing other things; we certainly have a relationship. I am happy to call MIKE DEWINE my friend.

Mr. MCCONNELL. Mr. President, from time to time over the last 12 years, new Senators have come up to me as they have come to the body and asked the question: How do you do this job? And I usually have responded: Well, what do you want to be? Do you want to run for President? Do you want to be on the Sunday shows? Do you want to pass legislation? A surprising number of them have said they came here to pass legislation, important legislation for America that would make a difference. To every single one who said that, I said: Watch MIKE DEWINE. Go study MIKE DEWINE. The most prodigious, the most effective, the most extraordinary legislator in my time here in the Senate. Quiet, effective, a consensus builder. You see by those who are on the floor here tonight that he has friends on both sides of the aisle whom he has worked with, cultivated,

and built the kind of relationships that make a Senator effective.

So I would say to my good friend, the senior Senator from Ohio, he is a Senator's Senator, the perfect Senator, the master of the art of making a difference. Farewell.

Mr. President, I yield the floor.

Mr. DURBIN. Mr. President, I join in the chorus of praise and thanks to my friend—and I mean that; the word is thrown around here—MIKE DEWINE. We came to this job together. My very first memory of MIKE and Fran DeWine was when we were both wearing tuxedos and Fran and Loretta were in evening gowns, and we were at our first dinner at the White House with President Ronald Reagan as Congressmen-elect. The year was 1982. My wife brought her little handbag, and Fran brought even more to that White House dinner, that formal dinner that evening. She brought a basket and in that basket was her brandnew baby who came with her to the White House dinner. It was the first time I ever met MIKE and Fran. I still have vivid memories of that moment. I think it was a little daughter in the basket, if I am not mistaken, who might be up here. She was on her best behavior then, as she is now.

Another memory I have is when MIKE DEWINE asked me to join him on a trip to Haiti. I saw a side of my colleague from the Senate which many of us have not seen. Fran came along on the trip with bags full of sporting equipment and toys and clothes and food, everything they could jam into this small airplane to bring over to give to some of the poorest kids in the world. We went to the Cirque du Soleil, the poorest section of Port-au-Prince. If you haven't seen that poverty, you haven't seen poverty. It is as bad as it gets. We worked our way back to a little cinderblock school, the Becky DeWine School, named after MIKE and Fran's late daughter. I watched MIKE as he walked through that school and sat down with these little kids, and each one of them poured out to him the love and respect and thanks for all that he had done to provide this basic little school for them.

That wasn't the end of the day, for sure. We were then off to an orphanage where we were trying to help a nun, if I am not mistaken, with a building full of squalling babies, trying to get a little help so she could take care of them. Then he took me on a famous road trip where he wanted to show me one of the rural projects. It knocked out almost all the fillings in my teeth, it was such a wonderful road, and we had one of these glorious CODELs that you read about, bouncing around in a vehicle to go out and visit people who are at the lowest ranks of poverty in the world, with babies with red hair from their anemia and malnutrition and vitamin deficiencies. That is where MIKE and Fran DeWine spent their time away from the Senate. They left a lasting impression and a legacy there. I am happy we are going to try to continue that legacy even tonight, I hope, or tomorrow as we bring this session to an adjournment.

Time and again, when I was up trying to find a vote, desperately trying to find a vote for global AIDS, for many other causes, I would look across the aisle and hope MIKE DEWINE was sitting right where he is sitting now, because I knew if I could get over there, I had a chance. Every time I would sit down with him, MIKE would say: This is going to be tough. He used to always like to say: I am going to have to pray on this, which meant it was going to have to be a pretty tough political sell for him and for his colleagues. He never let me down. More importantly, he never let down some of the poorest people on Earth. He came through every single time.

MIKE, you have got the heart of gold that we all dream about. I have lost a few elections in my time. It is a sad moment. But as you reflect on your public career and how much good you have done for so many people, your name and your legacy will live on. I am honored to count you as a friend.

Mr. ROCKEFELLER. Mr. President, my heart is full as I think of MIKE DEWINE and his service here in the Senate. I didn't know MIKE when I first came here. I didn't know anything about his visits, I think 13 or 14, to Haiti, his concern for the poor. He seems to have always been motivated by a moral compass which never wavered from those who needed him, and who weren't getting help from others. It is ironic in the best sense that he and I have cooperated on so many pieces of legislation that had to do with children and families and adoption and all kinds of things. It is ironic because in a sense he followed the father, Mr. President, of our Presiding Officer, in that role. You go to MIKE's office, MIKE would come to this Senator's office, legislation would appear, it would pass—and almost invariably get very little attention. That was not the purpose or the interest of the Senator from Ohio. He wanted to do good.

I think of his interest in children and I think that is a moral compass. If you have that in life and you are not going to let go of that in life, then that fixes you, as the Senator from Illinois indicated, in the legacy of the Senate. I also think that his interest in Haiti says more about him than words can possibly measure. What drives a man and his wife to go to that country where most of us have never been? Most of us have the image of it that the Senator from Illinois described but know not of it directly by experience. Vacations, free times, are valuable to Senators and their families. Yet the Senator from Ohio took his time and went to Haiti, year after year, and fought for their problems and said not a word to anybody. I found out about it not from the Senator from Ohio but from somebody completely different. I found out more about it and then deepened my knowledge and my respect for the Senator from Ohio.

Finally, I want to say I have the privilege of serving with him on the Intelligence Committee. The Intelligence Committee is serious business. The Senator from Ohio rose to the peaks of discretion, determination, simply trying to find the truth. He wasn't out to get anybody, to punish anybody, to embarrass anybody. He wanted to get the facts and then from that make his decisions through his votes.

National security on the one hand, children and all of their problems—not just education but children with all of the most complex problems of what happens when you get to be 18 and you have 3 years to get to be 21. The father of the Presiding Officer and I worked on that. Virtually every problem that can afflict children, unattended by most politicians, was taken to heart by the Senator from Ohio who had the advantage of many years of being a prosecutor.

I look upon the Senator from Ohio as absolutely extraordinary, as the majority leader indicated. He is an extraordinary Senator, an extraordinarily fine person, a friend in whom I could put complete and absolute trust, who only was here to do his work for the people and causes he cared about—most of all Ohio but then special groups probably unknown except to his conscience.

I wish you well, sir.

I yield the floor.

Mr. SARBANES. Mr. President, could I ask what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is in morning business. The Senator from Maryland is recognized.

FAREWELL TO THE SENATE

Mr. SARBANES. Mr. President, over the last few days, a number of my colleagues have been very generous in coming to the floor and speaking about my service in the Senate. I am deeply grateful to all of them, and my wife is greatly relieved that the session is drawing to a close because she fears, if it continues and I continue to hear these excessively praising speeches, I am going to take it to heart and she is going to have to contend with the aftermath of all this praise. I do thank all of my colleagues for their very generous and their very gracious remarks.

As my service in the Senate draws to a close, I am above all profoundly grateful for the trust that the people of Maryland placed in me for the last 40 years—first as a State legislator, then three terms in the House of Representatives, and now five terms in this distinguished body. I think that trust is the greatest honor that any American could hope to have. I am deeply appreciative of it.

I could not have risen to the challenge that these opportunities for public service have provided without the constant support and the wise and reasoned counsel of my family. First of

all, and above all, my wife Christine, whose high standards and dedication to our family and to our country are beyond measure and have been a constant source of inspiration to me. The support and commitment of my children, their spouses and their children has been deeply gratifying, and I am indebted to them for the encouragement they have always provided and also, if I may say so, for their astute criticism, on occasion. My sister and my brother and their families have also been, as one would expect, a constant source of strength, and I am deeply grateful to them.

My parents came to this country as immigrants from Greece, both my mother and father, and it was from them that I first learned about the meaning of a democratic society and the potential it offers to move up the ladder of opportunity on the basis of ability, hard work, and conviction. Their memory is still a very powerful influence in my life.

I could not have met the responsibilities of this office without the support of staff who have been ever ready to work at the highest levels of competency, often under great pressure, and to stand up always for what they believe is right. I am deeply grateful for the principled dedication and sharp intelligence they have brought to their responsibilities—whether they were serving on my office staff in Washington or in my offices across the State of Maryland; whether on the staff of the Banking Committee, the Foreign Relations, the Budget and the Joint Economic Committees on which I have served, or the staff of the Senate generally, on whom the efficient functioning of this legislative body depends.

I think it is important to pause from time to time to think of the many men and women—they are sitting right here at the tables and outside the doors and all across the Capitol and in the office buildings—who make it possible for us to function and who bring a dedication to their work that is greatly encouraging. In fact, it has been a source of encouragement and inspiration to me. Working with all of the staff and in particular, of course, my own personal staff, has been one of the great rewards of serving in public office.

I leave the Senate confident that Maryland's representation in this body will be in good hands. For the past 20 years, it has been a privilege to work closely with my colleague from Maryland, Senator MIKULSKI, who will soon become our State's senior Senator. What a fighter she is for a better America. And what a path-breaker she has been in the course of her political career.

It was likewise a privilege to work with her predecessor in this body, Senator Mathias, with whom I developed a close friendship. Both have been wonderful partners.

It is especially gratifying to know that, in the 110th Congress, BENJAMIN CARDIN will take this seat and be Maryland's junior Senator. BEN CARDIN has given extraordinary public service to the people of Maryland. As a Member of the House of Representatives, he has for 20 years represented our Third Congressional District with great distinction, and prior to entering the House of Representatives, he served for 20 years with equal distinction in the Maryland legislature, including an outstanding tenure as Speaker of the House of Delegates. He is an experienced legislator of the first rank, and he is tireless in carrying out effectively the responsibilities of his office. I know my colleagues will enjoy their work with him in the coming Congress.

My wife and I are gratified that our eldest son JOHN will, in January, be sworn in as a Member of the House of Representatives to represent the Third Congressional District in the 110th Congress.

Throughout my years in public service, I have worked to the limits of my ability to provide the people of Maryland and the Nation dedicated, informed, and independent representation based upon the fundamental principles of integrity and intelligence. I have been guided in this effort by a vision of a decent and just America, based on a strong sense of community and offering fairness and opportunity to all its people. These values and that vision were shaped by my family and the community where I grew up, by the pride my Greek immigrant parents took in their citizenship in their adopted country, and by the high standards of service that community leaders set in a small community on Maryland's Eastern Shore, Salisbury, MD, as I was growing up. Those values and that vision are as clear and as steady today as they were when I first entered public service.

Service in this body has reinforced, many times over, my understanding and commitment to the institutions upon which our system of democratic governance critically depends. I have constantly kept in mind the words reportedly spoken by Benjamin Franklin in Philadelphia at the conclusion of the Constitutional Convention. We are marking this year, of course, as my colleagues know, the tercentenary of Franklin's birth. The story is told that, as he came out of the Constitutional Convention, the oldest delegate there, a woman in the streets of Philadelphia called out to Franklin and said:

> What is it to be, Dr. Franklin, a monarchy or a Republic?

And Franklin's reply was:

> A Republic, Madam, if you can keep it.

A Republic, Madam, if you can keep it—the challenge that Franklin uttered that day in the streets of Philadelphia is a challenge each generation of Americans face. All Americans bear the responsibility to rise to Franklin's challenge but none more so than the Members of this body.

I have been honored to serve with Members, past and present, who have embraced the challenge and sought, through common effort, often under difficult circumstances, to strengthen our Republic and to make the promise of America a reality for all of our people.

As I prepare to leave the Senate, I want my colleagues to know how deeply I appreciate their friendship and counsel and how highly I value the privilege of having been their colleague. So long as the vision of America's promise continues to shine brightly in this body, I have every confidence that our Nation will prevail in the face of great challenges and that its future will be assured.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I have experssed my feelings about PAUL SARBANES. I have spoken before the Democratic caucus about my affection for PAUL SARBANES.

I would like to read from the Congressional Directory something that this humble man did not tell us. His Bachelor's degree at Princeton University, magna cum laude, and Phi Beta Kappa; Rhodes Scholar, Balloil College, Oxford England; first-class B.A. honors in School of Philosophy, Politics and Economics; LL.B., cum laude, Harvard Law School.

These are the things he didn't tell us. He is a man of great humility, a person the leaders whom I have served with in the Senate—Senators BYRD, Mitchell and Daschle, Democratic leaders—counted their font of wisdom, without question. I sat for 6 years with Senator Daschle, and whenever there was a difficult issue facing him, he had to talk to SARBANES. I, on a number of occasions, went and obtained SARBANES to come and visit with Senator Daschle.

I am disappointed that PAUL SARBANES is going to be leaving because that font of knowledge, that font of wisdom will no longer be available to me. The leaders used the knowledge and the wisdom conveyed to them by Senator SARBANES for the good of the Republic.

Senator SARBANES has heard me on a number of occasions express my appreciation for his friendship and for his dedication to our country, but he has also heard me on every occasion I have had the opportunity to talk about his athletic prowess.

PAUL SARBANES, even though he kind of saunters around with the dignity of a Sarbanes, as a young man he was a good athlete. My favorite story some of our colleagues heard me say, and I know Senator SARBANES has heard me say it and he is going to hear it again. He was selected as one of the best baseball players in all of Maryland. He comes from the Eastern Shore for the All-Star tournament in Baltimore. The starting lineup is announced: SARBANES, second base. He goes to speak with the manager and says: I am a shortstop. The manager ignores him. He comes back a little bit later and says to the manager: I was selected to

be an All-Star second baseman. The manager ignores him. He goes back a third time. The manager says: SARBANES, leave me alone. I'm starting Kaline at shortstop.

Of course, we know Kaline went on to the big leagues when he was 18 or 19 years old.

I am going to miss this good man and his wife Christine so very much. He is what, in my estimation, a Senator should be.

Mr. DURBIN. Mr. President, I said a few words on the floor the other day. I meant every one of them. Senator PAUL SARBANES has been kind enough to thank me. I wanted to say briefly that from time to time people back in Illinois would ask me: Of all those Senators whom you serve with, which ones do you respect the most? Without hesitation, I would always mention the name PAUL SARBANES. I respect him so much, not only for his intelligence and his good humor but also for his wit and his wisdom.

The reflective past he has referred to in public service starts in the House of Representatives, his service on the House Judiciary Committee during the tumultuous days of the Watergate hearings, impeachment trial, and coming full circle to the Senate. He has a lifetime of public service to be proud of.

Christine, his wife, has been at his side. And I know she has shared in many of the great victories that their family has been able to point to. The greatest victory, I understand, is now the election of her son. She is so proud, as PAUL told us, their son John is going to follow in his father's footsteps as a Congressman in this upcoming Congress.

I will truly miss PAUL SARBANES as a great Senator and a great friend.

Ms. MIKULSKI. Mr. President, I, too, want to join in the chorus of colleagues by thanking Senator SARBANES for all he has meant to Maryland, all he has meant to the Senate and all he has meant to the country and all that he has meant to me.

I knew Senator SARBANES 20 years ago, but I knew PAUL SARBANES long before that. I knew him when he was a young lawyer starting out to run for the House of Delegates. I was also, at that time, a young social worker. We were working to stop a highway in the neighborhood. We were the young reformers. Baltimore was dominated by political bosses, by the political machine. And PAUL SARBANES was the first one to buck the machine, to kind of go directly door-to-door to represent the people. Baltimore has not seen for years someone who would actually go out and knock on doors asking people for their vote, bypass the existing establishment and empower the people.

Senator SARBANES won that House of Delegates seat and did a great job.

Then he had a hard-fought, again, door-to-door battle—bucking the big boys and big bucks, door-to-door going right through, going directly to the people who brought him to the House—and

In 1976, that wonderful Washington centennial year, we in Baltimore, the home of the Star Spangled Banner, celebrated by sending PAUL SARBANES to the Senate. And, by the way, that young social worker went to the House of Representatives.

Senator SARBANES and I have been side by side for those years. All of my colleagues have talked about the enormous trust and respect they have for him.

Much has been said and there is much to be respected about Senator SARBANES—his integrity, but trust is really the word. You can trust Senator SARBANES. You can count on Senator SARBANES. You always knew he would be there when you needed him. The people of Maryland knew that when they needed him to be able to stand up for those who didn't have a voice, people with dirt under their fingernails, the people who worked in those kinds of jobs where at the end of the day you have a bad back, you earned the minimum wage, you didn't have a health benefit, and you wondered who really cared about you, PAUL SARBANES would do that.

When people invested their life savings and their pension and saw corporate greed eating all of that, they wondered who would speak for honesty and integrity. They knew they could trust PAUL SARBANES.

On issue after issue, people knew they could trust him—and they certainly could.

You could also count on his wonderful staff. The Mikulski staff has such great admiration for the Sarbanes staff. It is so outstanding. Similar to the man they work for, they bring great intellectual vigor, great integrity, and a great ethic of hard work.

We often laugh that we are the ''diner Democrat.'' Senators have heard about Senator SARBANES' mom and dad running a diner, my mom and dad owned a grocery store. We were kind of the grassroots retail people. So we feel very close to the people.

But again, a tribute to him would be incomplete without recognizing the dynamic duo of Christine, who has been an outstanding partner for PAUL SARBANES and quite a force in the community in her own right. Whether it has been working for the U.N. and for UNICEF in their own community, to be on the library board to expand literacy opportunities, Christine has been a force in and of herself and for their wonderful children—John who now joins us in the staff.

I could talk at length about PAUL SARBANES, but I will tell you he has been my friend. We have sat next to each other on the Senate floor. We have actually voted in the Senate precincts. When I came to the Senate, I was the only Democratic woman to serve here. But I had a saying as I traveled Maryland and traveled throughout the country. When people said: How does it feel to be the only Democratic woman in the Senate, I said: You know, I might be all by myself, but I am never alone. I have PAUL SARBANES. And that is true for the people of Maryland.

We wish him well. I know I am going to be seeing him. Wherever there is a good bagel or a good political event, I know that PAUL SARBANES will be there.

PAUL, Godspeed and God bless.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am very moved by the words of Senator MIKULSKI. And as I look over there at the two of them side by side for so many years, I feel a void already because they have been so outstanding as a team. And I must say they are an inspiration to all of us who have watched their friendship, genuinely caring about each other and their amazing partnership for the people of Maryland.

I certainly can't add anything more to what Senator MIKULSKI has said. I will try to say, from my perspective, a little bit about what Senator SARBANES has meant to me.

It is a story that not many people know. But when I was in the House of Representatives, I was called on to speak about the environment at the Democratic Convention when Geraldine Ferraro was the Vice Presidential candidate and Walter Mondale was the nominee. That was a long time ago. I was thrilled. I was an unknown House Member. Now, of course, I am so excited to be taking over the reins of the Environment Committee, but the environment has been a signature issue.

Well, what happened that night, I was slated to talk in prime time. But something funny happened on the way to the forum, which was that Jesse Jackson spoke at the convention. And he spoke and he spoke and he spoke, and then he spoke some more. And then they cheered him on, and then he spoke some more. Well, this was my moment in the Sun. I had bought a new suit. I called my mother on the East Coast. I said: Ma, big time. She kept saying: When? And it kept going on and on. Now, when Jesse Jackson finished his amazing oratory, the entire place emptied out. There was no one left in this huge arena. The chair of the convention had to say: Please leave quietly, we have another speaker. And it was me. No one was left but my family and PAUL SARBANES. He knew me just a little at the time. He wanted to encourage me. And he sat down right in front of me with a sign that said something like: Go, Barbara, go green—or something like that. He stood there and cheered.

Little did I know at the time that he would, many years later, welcome me to the Senate, as of course he did.

I know there is other business coming before the Senate. So I am not going to speak very long at all except to say this: What a privilege it has been, PAUL, to work with you. We are on the Foreign Relations Committee

together. For a time we were on Banking and Budget. And I watched you like a hawk. You are a humble man, but you could quiz a witness like nobody else and with your quiet voice made your point and made a point for the people.

I think you are one of the finest minds the Senate has ever had. I think that you have one of the finest hearts. You don't wear it on your sleeve, but you do. And I want you to know I have benefited so much watching you and learning from you, and even tonight as you made your farewell talk, you spoke so little about yourself. You spoke about your family, but the most important thing you spoke about is this great country that has lifted us all up, the three of us on the floor tonight. We know what it is like to be born in a lower middle class family and struggling our way up. We want to make sure that opportunity is there. That is what you spoke about tonight, in all your eloquence.

So I will miss you very much. I thank the people of Maryland for being so wise to send us two such Senators. I know PAUL SARBANES has many wonderful days ahead and much work awaits him.

I yield the floor.

Mr. LEAHY. Mr. President, I rise today to pay tribute to my good friend and colleague, the senior Senator from the great State of Maryland, who will be leaving this body at the end of this Congress. PAUL SARBANES and I have shared the past 30 years in this body together, and I can say that the Nation will be losing one of its most talented, well respected, and principled public servants when he steps away from the office he has held with such honor and integrity.

PAUL'S career is one that I believe still to this day reflects the values instilled upon him by his parents, Greek immigrants to this country, who infused in him a strong work ethic and a sense of service to others. He worked his way through school while growing up on Maryland's beautiful Eastern Shore and earned a scholarship to Princeton University, where he excelled academically, and earned a Rhodes Scholarship to Oxford. If that weren't enough, PAUL also went to Harvard Law School.

With all his abilities, with his clear leadership potential and promising future, PAUL chose to dedicate himself to the service of others. From his years in the Maryland House of Delegates, to his time across the Capitol in the House of Representatives, through his years here in the Senate, PAUL has always used his unique abilities and vast knowledge, tirelessly working towards finding solutions to the country's most pressing issues.

That is why I was so honored to be able to work closely with him in drafting portions of the Public Company Accounting Reform and Investor Protection Act of 2002, more commonly known as the Sarbanes-Oxley Act. PAUL's leadership as Chairman of the Banking, Housing, and Urban Affairs Committee was needed more than ever as the America people learned of the deception that corporate leaders had perpetrated. In a business culture that seemed to reward greed and devalue honesty and accountability, PAUL was able to create a bipartisan piece of legislation that mirrored his values and took a stand for countless ordinary Americans who were victims of the prevailing culture of corporate excess. It was my distinct pleasure to work with him in such a noble effort, and I believe it is fitting that such important legislation bears his name and will serve as a testament to his character for many years to come.

I will miss PAUL SARBANES, although I take comfort knowing that he won't be far away. His career is a lesson to us all in what the Senate is all about. It is with a heavy heart that I bid my friend farewell, and thank him for setting such a wonderful example for us all to follow.

I know he will stay a clear voice for America—but now he and Christine can also have the time together they so deserve.

Mr. HATCH. Mr. President, I would like to take a few minutes to reflect on the remarkable career of my good friend and colleague, Senator PAUL SARBANES, and to thank him for his service to our country.

The life of PAUL SARBANES is the archetypical story of America. He is the son of Greek immigrants who moved to the Eastern Shore of Maryland and started their own restaurant, where PAUL helped out after school. His parents encouraged him to get an education, a message that he took to heart. He received a scholarship to Princeton, was a Rhodes Scholar, and then graduated from Harvard Law School.

After graduation, he quickly gained a taste for economic policy by working at the Council of Economist Advisers during the Kennedy administration under Walter Heller, when the famous Kennedy tax cuts were passed. I am not sure that people around here fully grasped—and he is certainly not one to toot his own horn the depth of his experience in the area of economics, but it is substantial.

He entered the Senate the same year I did, 1976, after stints in the House of Representatives and the Maryland House of Delegates. He quickly sought to use his economic acumen and joined the Banking Committee and the Joint Economic Committee, both of which he would later chair. He played an integral role in the Banking Reform Act of 1999 that made it easier for banks to diversify their investments and increased competition in the industry, giving consumers wider choice in this arena and better returns to their savings. While we all acknowledge and bewail the low savings rate in this country and grasp for ways to fix it, the reforms passed by PAUL were an important step in the right direction that we can and should build on.

He has also fought a yeoman's battle to improve the quality of economic data produced by our Government. It is a topic that sounds deadly dull, but it is vitally important, and PAUL SARBANES has made it his duty to get this accomplished. Thanks to his efforts we have much more accurate, reliable, and timely data on economic growth, wages, and employment. We may not always agree on how our Government should go about trying to increase these economic indicators, but because of PAUL's efforts we know much better what we are arguing about and how successful our efforts have been.

To me, that is one of the marks of a great Senator: being willing to take on a low-profile issue that gains him nothing with the press or his constituents, but nevertheless improves our well-being. The economists that use this data and the statisticians that work for producing the data know exactly how much PAUL's leadership has benefited the country, and this is something that I want the rest of the country to know as well.

Of course, despite his numerous accomplishments in the Senate, he will be best known for his authorship of the Sarbanes-Oxley Act of 2002. I do not need to remind my colleagues that in 2002 our financial markets were in sore shape and in dire need of ameliorative steps of some sort. People were beginning to lose faith that they could trust putting their money in the domestic stock market, a state of affairs that potentially threatened the very fiber of our economy. In the Congress there were lots of ideas on how to fix this but very little consensus.

PAUL waded into this morass and helped shape an all-encompassing bill in short order that addressed many of the problems endemic in our financial markets. Thanks to his skillful maneuvering and that of his House partner on this bill, MIKE OXLEY, this legislation quickly passed the House and Senate and became law, stanching the wound in our financial markets. Like every major piece of legislation passed by the Congress, the Sarbanes-Oxley bill was not perfect. However, today the Dow Jones Industrial Average is near an all-time high and over 50 percent higher than in the summer of 2002, in no small measure thanks to Senator SARBANES' efforts.

This is, and remains, a mark of a Senator of distinction: One who rises to the occasion when a crisis ensues and creates an environment where Members can work together, across party lines, and with scarce regard to short-term political exigencies, to come up with a solution.

To my esteemed colleague, Senator PAUL SARBANES, I give you my best wishes in retirement, our thanks for a sterling career in service to your country, and my gratitude for your friendship over these many years.

Mr. LEVIN. Mr. President, I want to join my colleagues in bidding good

wishes and Godspeed to Senator PAUL SARBANES, the senior Senator from Maryland and the longest serving Senator in Maryland history, as he retires this week.

Senator SARBANES was elected to the Senate 2 years before me, and thank goodness he was here. PAUL SARBANES has been a dear friend, an indispensable source of wisdom, a trusted ally, and an inspiration. Senator SARBANES and I even briefly shared an office, when the anthrax attacks of 2001 forced him to leave his office in the Hart Building and set up shop temporarily in my conference room. After years of close cooperation, we were literally working side by side.

What I have found over these years is that PAUL SARBANES is one of the smartest, kindest, and most thoughtful public servants in Government. He is quiet and does not seek the limelight, but behind his calm demeanor is a skilled legislator with a keen mind. Senator SARBANES operates by compromise and by building consensus, but he also has plenty of backbone when it is needed. He knows when to coax, when to charm, and when to say ''enough is enough'' and get things done.

In the wake of the accounting scandals at Enron and other corporations, it was Senator SARBANES' leadership that led to the most significant reforms of accounting practices in a generation. The landmark Sarbanes-Oxley legislation, which grew out of his longstanding commitment to corporate responsibility and high ethical standards in business, curbed some of the corporate abuses that had shaken investor confidence in American business.

That law has produced its critics, but most of the detractors are unhappy because Sarbanes-Oxley is so effective. Sarbanes-Oxley forces accountants to actually review the books. It forces CEOs to understand, review, and sign off on the company's financial statements. And it forces companies to produce meaningful financial statements with internal controls that back up the numbers. There are some critics who are waiting for Senator SARBANES to leave the Senate, hoping to weaken what he built, but they will find many Senators, including this one, who will fight to maintain high standards. Sarbanes-Oxley will continue to serve as the foundation for reasonable regulation of our capital markets.

While his name will always be associated with the Sarbanes-Oxley law, Senator SARBANES remains an unsung hero for another accomplishment: cracking down on money laundering through the PATRIOT Act. I want to sing his praises on this for a moment because it is an issue I am passionate about and because Senator SARBANES deserves greater recognition for his work.

For several years prior to the 9/11 attacks, I worked on strengthening anti-money laundering laws—holding hearings, producing reports, and writing legislation but my effort had not succeeded. After 9/11, it was clear that U.S. anti-money laundering laws were full of gaps and vulnerabilities that needed to be addressed. But it was also clear that many in the financial industry did not want to have to operate under tougher laws. Nothing would have been accomplished even then if PAUL SARBANES had not stepped up and led.

In the month after 9/11, Senator SARBANES showed his legislative genius by taking a diverse group of provisions suggested by many different Senators and House Members, taming the competing interests, and writing a package quickly enough to be included in the PATRIOT Act. His own contributions included a key provision to make anti-money laundering programs mandatory rather than optional and to require anti-money laundering programs at a wide spectrum of financial institutions, such as securities firms and insurance companies, not just banks. He also required for the first time that securities firms report suspicious activity.

In addition to these major changes, PAUL helped enact a variety of provisions that I had been pushing for years. For example, he included my provision that barred banks and securities firms from opening accounts for shell banks, closing a major gateway for money laundering. He also helped shut down the flow of dirty money from foreign dictators who were looting their own countries and depositing their ill-gotten gains at U.S. banks by including my provision to make proceeds of foreign corrupt practices covered by our money laundering laws.

And he did all of this work in 1 month, running the conference committee out of his hideaway office in the Capitol with 1 computer, 3 phones, and a shifting group of about 50 staffers from the White House, Senate, House, Justice Department, Treasury, and other agencies. He was the only Senator who was present throughout the entire conference, and it was his work at key moments that kept the anti-money laundering provisions in the PATRIOT Act. Senator SARBANES' leadership is one of the great untold stories of that bill, and I hope that his role will one day be properly recognized.

PAUL SARBANES has given Maryland and America a lifetime of public service, on President Kennedy's Council of Economic Advisors, in the Maryland House of Delegates, in the U.S. House of Representatives, and in the U.S. Senate. I know that PAUL is proud that his son JOHN will now carry on that tradition of service, having been elected last month to represent Maryland's 3rd district in the House. We will welcome JOHN SARBANES to Congress, but we will greatly miss his dad.

My wife Barbara joins me in congratulating Senator SARBANES on his retirement and in wishing him and his wife Christine all the best. We treasure their friendship and hope they will visit our Senate family often.

Senator SARBANES, with apologies to your Greek forbears for my pronunciation: chronyapola. May you have many years.

Mr. MARTINEZ. Mr. President, today I acknowledge and honor my colleague, Senator PAUL SARBANES of Maryland. As Maryland's longest serving U.S. Senator, Senator SARBANES, leaves our great Halls with a legacy of distinction and an undying dedication to his State and this country. I have tremendous respect for PAUL SARBANES, and the statesmanlike ethics he has brought to this institution. Though his three decades of service contain many significant achievements, none stand out more for me—on a personal level—than when Senator SARBANES assisted in my confirmation process to become the Secretary of the U.S. Department of Housing and Urban Development. I greatly appreciate the opportunity I had to serve this country in that capacity, and Senator SARBANES played no small role in allowing me to do so.

Thank you, Senator SARBANES, for your meaningful work and lifelong commitment to public service.

Ms. SNOWE. Mr. President, I rise to honor in the highest possible terms and with profound respect, Senator PAUL SARBANES, one of the true giants of this institution, a sterling public servant and an inspiration to the people he has represented for 36 years—30 of them in the U.S. Senate, where he has since become Maryland's longest serving U.S. Senator. I am grateful to call him a dear friend and treasured colleague.

A graduate of Princeton University and one of only two Rhodes Scholars in the current U.S. Senate, Senator SARBANES has brought a remarkable and stellar mind to his venerable legacy of public service. Elected to the U.S. House in 1970 and to the U.S. Senate in 1976, he has served the people of Maryland with exemplary integrity and distinction.

The principles of fairness and opportunity have directed his tenure of tireless civic contribution, characterized by a relentless dedication to serving the public interest—a devotion to defending and promoting the common good exemplified by his efforts to enact the law that today bears his name—The Sarbanes-Oxley Act.

I also share a bond with PAUL SARBANES that transcends our service together in the U.S. Senate, including our substantial work together on the Senate Budget Committee as well as on the Senate Foreign Relations Committee. We are both the children of Greek immigrants—both of our parents owned restaurants and inculcated in us a passion and commitment to education, service, and hard work.

PAUL SARBANES has been a hero to Hellenic-Americans for decades. On countless occasions I have been referred to as ''one of two Greek-Americans in the U.S. Senate'' and I am so proud that the Senator from Maryland,

PAUL SARBANES, has been the other. Whether serving in the Maryland House of Delegates, the U.S. House of Representatives, or the U.S. Senate, PAUL has always been driven by the same Hellenic principles that make our heritage and community great. He remains an inspiration to innumerable Hellenic-Americans.

As a result of heroic and Herculean service, PAUL SARBANES was honored in June 2003 with the prestigious Paul H. Douglas Ethics in Government Award from the University of Illinois—established in 1992 to honor Senator Douglas, a man often labeled ''the conscience of the United States Senate.'' The award was fittingly designed to honor individuals who have made a substantial contribution to promoting ethics. And Senator SARBANES also received the Cox, Coleman, Richardson Award for Distinguished Public Service, from Harvard Law School in March 2004.

Senator SARBANES' vigorous and exemplary engagement in matters of public affairs undeniably epitomizes the following admonition from Pericles in his funeral oration more than 2,000 years ago that ''we do not say that a man who takes no interest in politics is a man who minds his own business; we say that he has no business here at all.'' Being involved in the civic life of one's community, country, and heritage was not an option for the sons and daughters of Pericles, and it has been an expectation that the legacy of Senator SARBANES inspires all of us to meet.

As much as the Senate will miss his esteemed presence and I will miss his collegiality in this Chamber, I am heartened by our enduring friendship and by a new generation from the SARBANES family entering public life in the upcoming Congress with JOHN SARBANES, serving in the U.S. House.

Ms. MIKULSKI. Mr. President, I want to say something about my departing colleagues on the other side of the aisle.

LINCOLN CHAFEE

To my colleague from Rhode Island, I thank the Senator. In all actions it has been a tone of civility. We have always sought common ground. I express my gratitude for the Senator's service to Rhode Island.

MIKE DEWINE

And the departing Senator from Ohio, Senator DEWINE, said some very kind things about his work with me. I, too, want to comment that working with the Senator when moving important legislation in the Committee on Health, Education, Labor, and Pensions was an outstanding opportunity, again, of bipartisanship. MIKE DEWINE and BARBARA MIKULSKI passed the Older Americans Act twice when it previously had not passed or been reauthorized in 5 years. We did work so constructively with the Committee on Finance in terms of the recent pension bill.

Again, we worked on many projects related to national security together.

I thank Senator DEWINE not only for his kind words but, again, his ongoing efforts, always with the tone of utmost collegiality when he worked with me, and his staff.

CONRAD BURNS

And to the departing Senator from Montana, who has a voice about the same decibel level of my own, I wish him well. Again, on the Committee on Commerce and on the Committee on Appropriations we worked very well, particularly on those issues that were important to science and technology, new ideas, new thinking, but old-fashioned values.

A lot is said about changing the tone, but when we hit the right tone we also hit some pretty high notes. I thank my colleagues and wish them well and Godspeed until we meet again.

The PRESIDING OFFICER (Mr. MARTINEZ). THE SENATOR FROM IOWA.

TAX EXTENDERS

Mr. GRASSLEY. Mr. President, pretty soon we will be taking up the tax bill that includes trade provisions and health provisions. I will start debate on that so we can use our time very efficiently.

We are at the end of a very long road on what should be routine business: The two tax-writing committees have many provisions that have either expired or will expire shortly. The provisions cover three major areas of our jurisdiction: tax, trade, and health.

The foundation of this bill is a tax-writing committee's agreement that goes back to last summer on the core package of expiring provisions and other items that were dropped from a reconciliation tax bill we passed early last spring.

These provisions that were dropped were put together in what is called a trailer bill. That is an odd name for a bill. The bill has been held up for so long that some people have probably forgotten the reason for the nickname. I will remind everyone it is a trailer bill because it covers tax provisions that were dropped out of the tax reconciliation conference agreement of last spring. That conference agreement includes the cornerstones of both House and Senate bills which now have been signed by the President more than half a year ago.

The cornerstone of the House bill was a 2-year extension of the lower rates on capital gains and dividends. The cornerstone of the Senate bill last spring was an extension of the hold harmless on alternative minimum tax. I was pleased we covered the cornerstone of both bills. We only had revenue room to cover those two provisions.

The other provisions, principally what we call tax extenders, and what now will soon be before the Senate, were decided to travel in a bill that would follow, or trail. Hence, the name trailer bill.

The two cornerstones, alternative minimum tax and capital gains and dividends, were very important achievements by this Senate last summer and when they were originally passed in 2003. The 2-year extension of capital gains and dividends was a key priority for my conference though we were pleased to garner some Democratic votes, as well. It was a priority for Senators FRIST, KYL, LOTT, GREGG, and others. I was pleased we were able to deliver on that priority in that conference last spring.

The alternative minimum tax was the other cornerstone. The alternative minimum tax, everyone recognizes, is a widespread tax problem because at least 15 million families will be affected. It was necessary to help those families so they were not paying a tax that was never intended to be foisted upon them in the first place and would not have been if the original alternative minimum tax passed in 1969 had been indexed. We assured all of these 15 million families that their lives would not be unnecessarily complicated by the tax system.

The trailer bill took several weeks of intense negotiations. The negotiators were Chairman THOMAS of the House and Senator BAUCUS and me in the Senate. They were tough negotiations, but they produced a fair agreement. That agreement, with some additions by the leadership, was included in the trailer piece of the trifecta bill that came up in July where we tried to pass a reform of the estate tax with, sort of cute processes that were put together but did not deliver the number of votes to break a filibuster. That, of course, occurred 4 months ago. A bill that should have passed 4 months ago we are still dealing with. That is the way the Senate sometimes works. That is the way the Congress sometimes works.

Chairman THOMAS represented the House, Senator BAUCUS represented Democrats, and I represented Senate Republicans. It was a bicameral, bipartisan agreement. In our view, that agreement was closed. No items should be subtracted. No items should have been added. A deal made last summer is still a deal now. Changes would only occur if all the parties to the agreement consented.

When we returned, we all knew we didn't have another 5 or 6 weeks to renegotiate the trailer bill so we kept mostly to that original agreement. In getting to that agreement, I pushed hard for several Senate issues to be resolved. I am referring to items other than the basic 2-year extension of the provisions that expired on December 31, 2005. I will go through a few of those items.

First, there is a package of added incentives to enhance Hurricane Katrina rebuilding efforts. Senator LOTT took the lead on that package along with support from Senators VITTER and LANDRIEU. We modified these provisions with the work of these Senators.

Second, there were tax relief incentives for mine safety. Senators BYRD, SANTORUM, and ROCKEFELLER argued for these important provisions.

Third is an expansion of the veterans mortgage bond program. This is a program the States use to provide veterans who return from combat with low-interest loans so they can buy their families a home. Senators DEWINE and SMITH advanced these provisions.

Fourth, there is a proposal to provide a deduction for private mortgage insurance for low-income home purchasers. Senators LINCOLN and SMITH deserve credit for those provisions.

Fifth, there was a proposal to level the playing field between individual and corporate timber capital gains transactions. This provision would have ensured that timber-growing areas and related mill towns will not be disadvantaged if the timber company is a corporation. Most, if not all of the Senators from the timber-growing States of the Pacific Northwest, and the Southeast of the United States, had an interest in this provision. This proposal was dropped from the package, but I want my colleagues to know I argued for it.

These are a few of the proposals that were negotiated and resolved in the trailer package. In my role as chairman of the Committee on Finance, I protected these Senate provisions.

In the second round of negotiations, our Senate leadership backed me as we proceeded through the trailer issues. I appreciate Senator FRIST's patience and support in our efforts to reach agreement.

Why have I pushed so hard for this trailer package? There are two basic reasons. The first is for the 19 million tax filers who may face compliance problems because of uncertain tax law. The second reason is the hundreds of thousands of business taxpayers who have been in limbo waiting for final approval of measures such as the research and development tax credit.

So let's look at some of those in detail. First, take a look at the Committee on Finance Web site. On September 13 and 26 of this year there are press releases that explain Committee on Finance tax staff research. At my request, the tax staff looked into the effects of delaying action on the three widely applicable expiring middle-income tax relief provisions: deduction of college tuition, teacher out-of-pocket classroom expenses, and State sales tax deduction. We are talking about a group of up to 19 million tax filers being affected. Tax filers mean families filing jointly and individually as singles. In other words, we are talking about a lot more than 19 million taxpayers.

The professional staff, all experienced tax practitioners who discussed this problem with the IRS, came to the conclusion that delaying action on extenders into the lameduck would have adverse consequences for that group of 19 million taxpayers. I won't go into the details. They are found on the Web site.

So everyone knows, I have a few charts to show the impact of these provisions on these 19 million people. First, we have the college tuition deduction on the chart behind me. Between 4 and 6 million families, students, took advantage of this deduction in 2004.

The next chart shows teachers benefiting from the educator expense deduction, where teachers pay out of their own pocket for materials for the classroom. For the last several years we have allowed a deduction. I suppose those supplies ought to be paid for by the school district but sometimes the school districts don't do it, the teachers need it, they want to help their kids, they pay for it out of pocket. We have allowed a tax deduction. That should not be allowed to expire. Nationwide, there are 3.3 million teachers who benefit from this deduction.

Finally, in the next chart I have the sales tax deduction chart. In 2004, almost 11 million families and individuals were helped by this deduction. If we do not get this bill passed, they lose that deduction.

Serving as chairman of this committee is a privilege and a responsibility. I might say to my friend, Senator BAUCUS, who will be incoming chairman because the Democrats won a majority in the last election, I look forward to returning to the chair in a couple of years.

I thank the people of Iowa and my friends and colleagues in the Senate Republican conference for that privilege. I have enjoyed every day I have served as chairman. It brings responsibilities as well. One of those responsibilities is tax policy.

Now, whether an individual Senator agrees or disagrees with a particular expiring tax relief matter is always debatable. We all have opinions on a multitude of things, and particularly on tax policy. Probably no two Finance Committee members, let alone two U.S. Senators not on the committee, agree on all expiring tax relief measures. What we ought to agree on is that we should not deliberately—and I underline that word, ''deliberately''—take actions to unnecessarily complicate taxpayers' efforts to comply with our admittedly complex tax system. That is what delaying action on these provisions means.

There are no ifs, ands, or buts—we need to act quickly. We are already about a year overdue. But if we get it done yet before we adjourn, we will take care of most of the problems taxpayers would otherwise have. The 2006 IRS forms were finalized, but the IRS hopefully can act to mitigate problems for these more than 19 million taxpayers with supplemental forms.

As chairman, I would not be doing my job if I stayed silent. I spoke out. It is my responsibility to these 19 million taxpayers. Some could call it complaining. Some might call it annoying. Others could call it persistence. It is just simply doing my job. When you are talking about up to 19 million middle-income taxpayers who are trying their best to comply with the tax system, I will complain until I run out of breath.

So that is the first reason I have been pushing for resolution of these matters, going back to the strong statements I made on the floor of this Senate at the time the trifecta bill was defeated last July and going back further since the reconciliation bill was passed in early spring.

The second reason I pressed for quick resolution was the expiring business-related tax incentives. These matter. Just think about what you have heard from your constituents about the need for the research and development tax credit to continue and not lapse. These are all overwhelmingly popular in the House and Senate, but they are also good for our economy. Businesses are in limbo on these provisions. We are talking about almost a year of being in limbo and at least another month yet to come by the time we work this through and the President gets this signed.

A lot of businesses in good faith relied on my assurances. They relied on assurances made by the congressional leadership in May of 2006. These business folks were assured these extenders would be done. In my own State of Iowa, for example, a major business, Rockwell-Collins of Cedar Rapids, IA, took a financial hit because we dilly-dallied around with the reauthorization of the R&D tax credit.

It is not just that management cares. Iowa is a manufacturing State, and we are proud of our research and development. Thousands of Iowa employees in these companies have a right to ask why this popular provision that does so much economic good has been delayed now at least 6 months—some people could argue 8 months—beyond the time it should have been signed by the President.

Aside from the new proposals I have talked about, the core tax extender package prevents tax increases on more than 19 million taxpayers and thousands of businesses. There is a revenue loss of $44 billion. Some have called this a budget buster. But a close examination of the facts will tell you that you ought to reach a different conclusion. I would remind the Senate that revenues have shown record levels of increase over the last 2 years. These increases were not accounted for in budget resolutions because, quite frankly, the money came in faster than anybody could have anticipated when the resolutions were adopted. And that is good because the economy is good, or else you would not be getting all this tax revenue coming in.

The tax relief here and in the reconciliation relief bill of last May are very small in comparison to the unexpected taxes that have come into the Treasury. So how can anyone call a bill that prevents tax increases a budget buster when the taxpayers are sending record levels of taxes into the Federal Treasury? So why would anybody penalize taxpayers with tax increases

when revenues are not the source of the deficit? I don't get it. Because if this bill does not pass, it is going to be an automatic increase on the taxpayers and the businesses of this country because of the sunsetting of those tax laws.

That is why these bills are before us, to get them reauthorized, not to decrease taxes but to keep the same level of taxation, the same policy. It just expired. Renew it. Our budget problems are not because of legislation that soon will be before this body. They are derived from out-of-control spending. That is where the budget busting is occurring.

Present tax policy is bringing in more money than anybody anticipated it would bring in. Although the Democratic leadership has blamed Republicans for the deficit, we all know that spending problem is not a Democrat or Republican problem, it is a bipartisan problem. It is a disease in the Congress of the United States.

I agree with the Budget Committee chairman that when Democrats gain control of Congress in a few weeks, we are going to see bigger spending problems. I am sure they would deny that tonight, but we have had evidence of it over the last decade.

My evidence is, take a look at the last 10 years. Try looking for a Democratic spending cut for deficit reduction. Guess what. You are not going to find one. You will find lots of proposed tax increases. You will find lots of opposition to tax cuts. You will not find spending cuts in their deficit-reduction proposals. I hope I am wrong. Maybe we will see folks on the other side offering spending cuts when they have the budget resolution up next March and when they have appropriations bills up in the summer of 2007. I might be wrong. I hope I am. But we will see.

So if you hear critics, Democrat or Republican, calling this bill a budget buster, keep the fiscal history in mind. Look at the numbers over the last 2 years. And take a look back for about a decade. The numbers do not lie.

The bill is not a budget buster. It prevents tax increases. Preventing tax increases is not a budget problem. Millions of hard-working, tax-paying families do not need tax increases, neither does the American business community.

When I am holding my town meetings in Iowa, I have people coming in complaining about overspending. I do not have people coming into my town meetings saying: Tax me more; I am undertaxed.

So I would then go on now, after talking about tax provisions here, to talk about the trade provisions. And we will start with the Generalized System of Preferences. This program offers developing countries duty-free access to U.S. markets. I have traditionally been a supporter of GSP. In recent years, however, I have come to question the merits of the Generalized System of Preferences. Too often, GSP benefits have gone to those who simply have not deserved them; in other words, meaning countries that have not deserved them.

Perhaps due in part to the GSP Program, some industries in some developing countries have reached world-class status. These successful industries clearly are not the struggling businesses in poor countries for which the Generalized System of Preferences benefits were originally intended.

In addition, I am concerned that the GSP has threatened U.S. interests in trade negotiations. Given that beneficiary countries already have duty-free access to the U.S. market for many of their products through the GSP Program, they have little incentive, then, to negotiate lower tariffs on U.S. exports. If they can get their product into our country under this program duty-free, they would consider themselves suckers to give our businesses and farmers the same advantage in their country.

But that is what negotiations are all about. Like the Colombia Free Trade Agreement, the Peru Free Trade Agreement—both things before Congress that we ought to be passing. Those products from those countries are coming in here duty-free. We can have the advantage now of sending our products back to those countries duty-free for the first time ever. And do you know what. There are people in Congress here, right now, questioning whether we ought to approve the Peru Free Trade Agreement. It is stupid to not level the playing field for the American worker, the American farmer, and our service industry. But GSP has encouraged these countries to come along. Now they have developed. We need the same rights, the same consideration from them that we have been giving them over the last 20 years through the GSP Program.

I am convinced that the lack of progress in the Doha Round of the WTO negotiations can be attributed, at least in part, to this GSP Program.

GSP is set to expire in 23 more days. Due to my concern over GSP, I considered dropping my support for this program altogether, not even renewing it, for the unfair reasons I have told you. But in negotiations this week over a trade package in this bill, I agreed to compromise with Senator BAUCUS and my counterparts on the Ways and Means Committee for a short-term extension of this program for 2 years. Discussions I have had with Senator BAUCUS figured in my decision to support this short-term extension. Senator BAUCUS has agreed to work with me during the next Congress to reexamine the GSP Program. I anticipate that a reexamination of the GSP will result in needed reforms to this program.

Today's legislation does take a very first step in making changes to GSP. It does so by allowing the President to limit the availability of GSP benefits for ''supercompetitive'' products. The word ''supercompetitive'' is a technical term. Imports of products from numerous countries, including Brazil, India, and Venezuela, will be impacted by this provision of the bill, which will become operative in July of next year. This new supercompetitive standard reflects the results of a review of the Generalized System of Preferences Program, the GSP Program, conducted by the U.S. Trade Representative.

Today's bill, in addition to extending the GSP under the proviso that we are going to review it next year, also extends the Andean Trade Preference Act, also expiring in 23 days. The Andean Trade Preference Act offers four Andean countries—Colombia, Peru, Ecuador, and Bolivia—duty-free access to the U.S. market for a variety of products. It was my strong inclination to extend benefits under this program to just two of the Andean countries, Peru and Colombia, for the reason they have been cooperating with us on this free-trade agreement. We have not adopted it yet. If we had adopted it, they would not need this program, and we would not be talking about it. But I would not be inclined to extend the benefits to Ecuador and Bolivia. Peru and Colombia have worked actively to strengthen their economic ties with our country by concluding free-trade agreements. It is only fitting for us to extend benefits to them until the point that these free-trade agreements are implemented.

But Bolivia and Ecuador is another circumstance. Those countries, in contrast, have gone out of their way to demonstrate they do not value increased economic ties with the United States—unless, of course, those ties involve one-way trade benefits through the Andean Trade Preference Act where they can get their products into our country very easily and it is very difficult and very expensive for us to get our products into their countries.

In order, however, to see that the Andean Trade Preference Act is extended to Peru and Colombia, where I said it ought to be for a short period of time, I had the opportunity to compromise with Senator BAUCUS and our House counterparts on an extension. This bill provides a straight 6-month extension of the program. Another 6-month extension will be provided if steps are taken to implement trade agreements with any of those countries, meaning if Ecuador or Bolivia want to get onboard and get into the act of cooperating in a bilateral way, they will get greater consideration in the future. But with their new Presidents nationalizing their industries, not having respect for personal property, not having respect for the growth that comes from the market economy, you wonder whether they are smart enough to think in terms of a free-trade agreement. But we hope they are.

We have another trade preference program that is very popular; it almost passes unanimously most times in the Congress—the African Growth and Opportunity Act. That is modified by this

legislation as well. This African Growth and Opportunity Act offers sub-Saharan countries duty-free access to the U.S. market. This program is instrumental in promoting economic growth in one of the poorest regions of the world. The third country fabric provision of the African Growth and Opportunity Act is going to expire October 2007. It allows beneficiary countries to keep preferential benefits on certain apparels made with fabric from countries other than the United States or Africa. This bill extends that third country fabric provision that will expire October 2007 until 2012.

Also, in order to remove disincentives to investment in fabric production in Africa, we included what we call an ''abundant supply'' exception to eligibility under the third country fabric provision with respect to fabrics and yarns that are available in commercial quantities from African suppliers.

The bill also provides tax benefits to Haiti, the poorest country in the Western Hemisphere, through the Haitian Hemispheric Opportunity Through Partnership Encouragement Act, also known by its acronym HOPE. This legislation provides new rules for origin for duty-free imports from Haiti. Haiti may only receive benefits under the bill if it meets certain political, economic, and labor criteria, as well as textile and apparel transshipment enforcement requirements. At this time, it is very important to recognize one of our colleagues who worked very hard on this, and that is Senator DEWINE. He has contributed to advancing the economic development of Haiti during his tenure in the Senate.

The bill also extends unconditional normal trade relations to Vietnam—something that should have been passed in November before the President went to Vietnam. This provision will enable us to enjoy the benefits of Vietnam's imminent accession into the World Trade Organization. That translates into significant benefit for our farmers, including those in my State of Iowa, by reducing duties on U.S. exports of beef, pork, soybeans, and other products.

Our manufacturers and service providers also stand to benefit significantly from the Vietnam normal trade relation bill. And by engaging Vietnam through enhanced trade, we can best press the Vietnamese Government for continued progress with respect to where we don't think there is enough progress yet—religious freedom and human rights.

In addition, this legislation modifies U.S. law with regard to changes in the U.S. harmonized tariff schedule. The U.S. Trade Representative periodically makes changes to tariff lines in the U.S. harmonized tariff schedule. This year, due to the thousands of changes to be made and to administrative delays, the business community requested that Congress extend the usual 15-day window for implementation, so we have extended the deadline to 30 days. This will allow time for the private sector to incorporate all of the changes in their computer system and avoid costly, time-consuming errors to entry.

Finally, the bill includes numerous duty suspensions and reductions that have resulted from the Finance Committee's efforts to prepare a miscellaneous tariff bill. These provisions are noncontroversial in nature. They reduce tariffs on imported goods not produced in the United States. As a result, they will provide cheaper inputs for businesses operating in the United States and, thereby, increase the competitiveness of our firms and workers.

I will talk about health care now, the third major area of jurisdiction of our committee, and the third major area in this piece of legislation. Despite what some might characterize as a ''do-nothing Congress,'' the 109th Congress actually accomplished a great deal relative to health care. We enacted the Deficit Reduction Act of 2005, which greatly strengthened and improved the Medicaid Program. Most would acknowledge that this bill made the most significant changes to the Medicaid Program in three decades. Those changes should make it possible for the States to serve more low-income beneficiaries, families who cannot afford to provide health insurance and pay for it.

Significant challenges await us in the new Congress. We will need to take a serious look at the solvency of the Medicare Program. We have to develop a solution for the Medicare physician reimbursement system. The State Children's Health Insurance Program needs to be reauthorized. And there remain serious problems of the uninsured. I look forward to working with my partner and incoming chairman of the Finance Committee, Senator BAUCUS, on those issues and doing that in a bipartisan way.

However, before we can adjourn this Congress and before we go home to enjoy the holidays, there is still urgent work needed to be done, and that is the purpose of this piece of legislation. In the legislation we consider today, there are several provisions that rise to the level of ''must do.'' These include ensuring that physicians do not receive a drastic cut in the Medicare reimbursement that a formula in place for the last 15 years dictates they take and we generally don't let happen. There are a number of other expiring provisions that must be extended. I am very disappointed that this package doesn't include anything to address the coming shortfalls of the State Children's Health Insurance Program. The Senate package that I introduced with Senator BAUCUS included a proposal to address the shortfalls, but that proposal was rejected in the negotiations that Senator BAUCUS and I had with the House. We apologize for not winning on that.

Our legislation will, however, increase payments for providers while providing additional payments for physicians and other health practitioners who report quality measures in order to ensure both continued beneficiary access and improved quality of care. We must ensure that health care providers can afford to continue to practice medicine. We must preserve Medicare beneficiaries' access to physicians, and we must provide incentives for quality improvement.

The physician payment formula is deeply flawed. We need to reform the SGR formula's flawed payment system and develop a new way of paying physicians appropriately for their services. Last year, we included a provision in the Deficit Reduction Act to require the Medicare Payment Advisory Commission, known as MedPAC, to submit a report to Congress early next year on alternative mechanisms that could be used to replace the existing formula. It is a flawed formula. We must find a long-term solution that will stabilize physician payments in the future. Working to develop a better physician payment system will be one of my top priorities, and I am sure that under Senator BAUCUS's leadership, it will be a top priority as well.

The legislation before us today will eliminate the 5-percent cut in physician fees scheduled to take effect in January 2007 and, instead, keep physician fees at the same level as this year. In effect, this would provide a 5-percent increase in payment fees over what the formula would otherwise allow. Next year, we must face the challenge of producing a long-term solution to the physician payment formula. The one-year-at-a-time approach we have used over the last several years makes the problem worse and does nothing to address the longer term challenges.

We need to put better incentives into the health care system so providers are motivated to provide better quality care. So this bill before us establishes a quality reporting bonus for physicians and other eligible professionals—meaning nurse practitioners, physician assistants, podiatrists, and other health care professionals who submit data on quality measures from July through December in 2007.

Our legislation also creates a fund, effective in 2008, to help stabilize physician payments and promote physician quality initiatives. This new fund of $1.35 billion will be available in 2008 to help minimize fluctuations in physician payments and promote physician quality initiatives.

The physician payment changes will be offset by two adjustments to the Medicare Advantage stabilization fund. Our legislation does not repeal the fund but, rather, preserves the funds for future years. We adjust the funds in two ways.

First, the fund will be reduced by $10 billion to $3.5 billion. Second, the Secretary will be able to use the proceeds in the funds only in the years 2012 and 2013. There is strong participation in the program right now, and if more funds are needed to be added back to

the Medicare Advantage stabilization funds, Congress can add these funds in future years.

I have been working very closely with my colleague Senator BAUCUS on realigning incentives in Medicare to reward for quality of care, rather than paying physicians as we do now, on volumes of service, without any care about quality. We have been doing that under these formulas for a long time. We began the process of moving toward quality care reimbursement in the Medicare Modernization Act of 2003. This Medicare Modernization Act required hospitals to report 10 quality inpatient measures in order to receive full payment update. Now almost 99 percent of hospitals are reporting this data. Without this incentive, they would not have done so. Our legislation includes provisions to extend quality reporting for hospitals to hospital outpatient departments and ambulatory surgical centers as well, beginning no sooner than 2009.

Now that hospitals are reporting this data, it is time for other providers, such as physicians, to do that as well. The quality reporting measures in our bill today are a small step toward creating better incentives for quality care in Medicare. The transitional bonus payment policy included in this bill for reporting quality measures is a good first step for physicians and practitioners.

The physician quality measures in this legislation before us today have been developed primarily by physician organizations, including the American Medical Association and physician specialty societies. All of the measures adopted for 2007 have the support of the physician community and will be easily reported electronically with the submission of their claims. Those professionals who participate in the quality reporting program and voluntarily submit up to three quality measures that apply to their specialty will receive an additional 1.5 percent bonus incentive payment for services provided during the 6-month reporting period. I emphasize that that 1.5 percent bonus is on top of our filling it in so that there is not the 5-percent cut that the formula now applies for.

Ultimately, we should move toward rewarding quality through higher Medicare reimbursement for better health care outcomes. Once that principle begins to govern medical care, we will be able to better align payment incentives throughout our health care system to reward for quality of care. We are interested in quality because when doctors and hospitals and other health care professionals do it right the first time, it is the least expensive way to have it done. If it is done wrong the first time, it is very expensive to send people back to the doctor and the hospital a second time. We want to do in the Government, through the Medicare Program, what a lot of major corporations are doing—being concerned about quality. With that quality, we can get better health care, but you are going to save a lot of money, whether it is for Ford Motor Company or for the taxpayers of the United States, under a Federal Medicare Program.

In addition to reforming the manner in which Medicare pays for physician services, this legislation will extend several expiring provisions enacted in the Medicare Modernization Act of 2003 to help ensure that beneficiaries will continue to have access to needed medical care. This includes provisions applicable to rural payments to physicians, continued direct payments to independent laboratories for physician pathology services, and continuing Medicare reasonable cost payments for lab tests in small rural hospitals.

Our legislation also provides a 1-year extension of the therapy cap exceptions process that we included in the Deficit Reduction Act last year to ensure that beneficiaries receive physical, occupational, and speech language therapy services that they need.

We also give a 1.6 percent update for dialysis services effective April 1, 2007, thus helping to ensure continued access for beneficiaries who suffer from what is called end stage renal disease.

Our legislation also includes some new provisions to improve beneficiary access and provide additional protections. We have included additional reimbursement for important preventive medicine by reimbursing health professionals for administering vaccines covered under the new Medicare Part D prescription drug benefit. We also include a requirement for reporting anemia indicators in cancer patients receiving anti-anemia drugs to better manage these patients' care.

We have established a new postpayment review process to ensure the timely payment for drugs and biologicals that are delivered for patient use under the Competitive Acquisition Program.

This legislation includes several provisions to improve accountability in Medicare. There has long been a concern that the program is vulnerable to fraud and abuse, and certainly experience has borne that out, with billions of dollars being wasted. Even more significant, the program has not been able to effectively detect when it makes payment errors. This legislation contains several provisions to address these concerns of ferreting out abuse and fraud.

The Health Care Fraud and Abuse Control Program addresses fraud and abuse in the Medicare Program but has been funded at the same levels since 2003 despite significant increases in its responsibilities.

In order to ensure that the Federal Government has sufficient resources to effectively combat health care fraud and abuse, this essential program will receive annual funding updates for the next 4 years. And that investment has a good return. In other words, for a $1 investment, many dollars come back to the Federal Treasury from either recouping fraud or preventing fraud.

This legislation also includes a provision that addresses payment errors by adopting the Recovery Audit Contractor Demonstration as part of the Medicare Program and implements that program nationwide. Despite being implemented for a limited time in a limited number of States, this demonstration has already shown enormous potential for the identification of overpayments and underpayments and the recoupment of overpayments.

In fiscal year 2006, this demonstration has identified around $300 million in improper payments in just three States. By taking the recovery audit program nationwide, up to $10 billion in Medicare overpayments will be recovered in the next 5 years.

By passing this legislation, we will also take a big step toward making sure that the Medicare Program does not pay for substandard care provided to beneficiaries. The National Quality Forum has identified a number of serious and preventable adverse health care events called ''never events.'' The HHS inspector general will be required to conduct a study on Medicare payments for services related to never events and will provide guidance for CMS in setting policy regarding payments for services when never events are involved.

Let me explain never events. We are not going to pay when somebody is operated on and covered by Medicare if they cut off the wrong leg—and this has happened—or the wrong arm or other things that were never intended to be done to a patient. We are sick and tired of paying for things such as that.

This legislation will also promote more accurate hospital payments. One aspect of Medicare hospital payments that has been subjected to much criticism is the area wage index. Many say that the current method of calculating the wage index does not reflect the hospital's actual labor costs and is instead arbitrary in nature so that similarly situated hospitals can receive significantly different wage index values.

Since the enactment of the Medicare Prescription Drug Improvement Modernization Act of 2003, hospitals have been able to obtain relief from this unfair situation temporarily. But we shouldn't have to do this every year in a temporary way. So this legislation will provide limited extension of this relief. More significantly, major steps will be taken toward comprehensively reforming the wage index classification system by requiring a report on alternatives to the current methodology for calculating the Medicare wage index, as well as proposals for reforming this classification system so we don't have to mess with these inequities.

This legislation also includes several provisions relating to the Medicaid Program. These include codifying the provider tax rate paid by Medicaid providers at 5.5 percent and extending the transitional medical assistance and abstinence education programs. Throughout the year, we have heard from nursing homes, hospitals, and managed care

plans that lowering the maximum provider tax rate would make it harder for them to treat Medicaid recipients as States had to make up for lost revenue. This provision protects health care access for some of the most vulnerable in society.

While this legislation does not go as far as some would like, it accomplishes the goal of helping ensure the continuation of critical health care policies and programs.

I was disturbed when I heard one of my colleagues refer to this bill as an example of bad legislative practice. The critics imply that political defeat was somehow connected with this kind of legislative practice. With all due respect, these criticisms could not be more off the mark. This legislation was based on popular expiring provisions within the jurisdiction of the tax writing committees, provisions that were meant to expire so they are reviewed occasionally so we know the best possible tax policy is being pursued by the Congress of the United States.

The legislative business in this bill then is the people's business. Throughout the year, I pressed repeatedly to finish these matters. I was thwarted by others who sought to leverage these items for other purposes. I firmly believe that if we had dealt with these issues in a timely fashion, as was planned last May to do it in the pensions bill, we would have been rewarded politically.

We are where we are, but we are here because of politics on both sides of the aisle getting in the way of processing these items in a timely fashion.

I agree with the critics that this kind of omnibus bill is not the best way to finish this legislative business. The critics should know that the tax-writing committees had no choice.

In conclusion, I hope my colleagues will support this bill—a bill that should have been law last summer—to finally get it done to save the taxpayers and 19 million people from being adversely affected.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

TELEPHONE RECORDS AND PRIVACY PROTECTION ACT OF 2006

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 4709 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4709) to amend title 18, United States Code, to strengthen protections for law enforcement officers and the public by providing criminal penalties for the fraudulent acquisition or unauthorized disclosure of phone records.

There being no objection, the Senate proceeded to consider the bill.

TELEPHONE RECORDS AND PRIVACY PROTECTION ACT

Mr. SUNUNU: Mr. President, I support passage of H.R. 4709, the Telephone Records and Privacy Protection Act of 2006. This bill gets to the center of the practice known as ''pretexting''—a fraudulent technique to obtain access to confidential communications records—by imposing Federal criminal penalties on perpetrators.

There is one point that I would like clarification and assurance. This bill adopts a very broad definition of an ''IP-enabled voice service.'' That definition is broader than just replacements for traditional telephone service, and sweeps in many potential new applications. In my view this definition would be inappropriate in many other contexts. For instance, the Commerce Committee crafted a narrower definition when considering S. 1063, the IP Enabled Voice Communications and Public Safety Act.

It is my understanding—and I ask if the distinguished chairman shares this understanding—that this broad definition applies only to this bill, and is not meant to be an indication of the Congress's view of the appropriate scope of voice-over-Internet-Protocol or VoIP services for other purposes or to serve as precedent for future action. It is certainly not meant to suggest that the FCC adopt this definition as it considers the appropriate views on VoIP services. Does the distinguished chairman agree with my understanding?

Mr. STEVENS. Yes. The definition of ''IP enabled voice service'' in this bill is not meant to be the universal definition of ''IP enabled voice service'' to be used in future legislation that involves other contexts. And, it should not be interpreted as a signal to the FCC that it should alter or change the definitions of Interconnected or IP enabled voice services that it has used in other contexts.

Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid on the table, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4709) was ordered to a third reading, was read the third time, and passed.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I know a number of our colleagues are wondering what time bills are going to be arriving from the House. I believe in a little bit, in the next 30 minutes or so, things will pick up and we will begin voting. I will come back and address this issue once things become a little bit clearer.

TRIBUTE TO ERIC UELAND

Mr. FRIST. Mr. President, I wish to pause for a moment to pay respect to one man, Eric Ueland, my chief of staff. Tucked away in a corner of Eric Ueland's office is a well-worn copy of the book ''Master of the Senate.'' This comes as no surprise to those of us who know him. In fact, my staff used to joke that he was reading his own biography.

Eric is gifted with a passion for history, a thirst for knowledge, and a high reverence for the Senate. These talents have made him a uniquely capable adviser and leader in the majority leader's office.

He contextualizes every Senate debate, recalls appropriate precedent, and draws parallels to moments in history. A nameplate is discretely displayed on his desk, and the name it bears: ''Information.''

As the press corps knows, information is his trade and the enigmatic quote his trademark. How do you pay tribute to a man who is the first to know of Britney Spear's pregnancy and Don Rumsfeld's resignation?

Eric delights in a secret and encyclopedic knowledge of popular culture. Copies of People magazine and the entertainment gossip columns are strewn in the back seat of his classic car. And he knows everything about the media. Yet he doesn't have home Internet access or even cable TV. How does he do that?

Eric finds unique and, some would say, unusual pleasure in memorizing the complex rules, the arcane precedents, and early history of the Senate. ''Chart 4—mere child's play.'' You would expect he would know that combining his customary bow ties and beards could be a violation of the Senate Code of Conduct.

But his extraordinary talents are not what I have come to respect most about Eric Ueland. He is a man of deep humility, a man of quiet faith, a man of sterling character. He is a person true to his convictions, both political and personal. He has maintained his integrity in the rough and tumble of politics. His standards are high.

I know of no staffer who has had a more profound regard for the institution, our institution, the institution of the Senate. And, in turn, Eric has earned the gratitude and respect of so many who have had the honor to serve here. Eric came to the Senate 17 years ago and worked for Senator Don Nickles at the Republican Policy Committee and then as his chief of staff in the assistant Republican leader's office.

Senator Nickles writes:

I have had the pleasure of working with hundreds of individuals throughout my Senate career and Eric stands out in many ways. He is an exceptionally intelligent individual with unequaled knowledge of the Senate. His knowledge of Senate history, rules, process and customs, as well as the individuals who have served in the body for the last couple of decades, is remarkable. He has devoted much of his life to the Senate and helped make the Senate function much more effectively. He was a tremendous asset to me as well as a valued friend.

Eric has a beautiful and patient wife Kathleen and three wonderful children—Stephen, 13; Brigid, 11; and Charlotte, 6. Eric, as we all know, puts in long hours in service to the Senate and it, again, as we all know, takes him away from his family. So I thank each of them for their service to his family, to their community and, thereby, to the country. But Eric is a devoted father and puts in many hours helping them with homework and could often be found keeping score at one of their basketball games. The children's manners, their politeness, their dress all reflect that Kathleen and Eric are great parents.

Perhaps the highest tribute I can pay to Eric is simply to say his work has honored the institution of the U.S. Senate, which he himself so highly honors. And in honoring the Senate and the democratic ideals it represents, he has, indeed, honored his country.

Well done, Eric, you have been a good and faithful servant of the Senate. You have been a good and faithful counselor and friend, and you have served this Nation with distinction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I don't have prepared remarks, but I join the majority leader in praising Eric Ueland. He is a bright guy. Very intelligent, gracious, and straight, someone I trust. I got to know him with the leader over months, weeks, days, and hours. I thank him very much.

TRIBUTE TO BRIAN POMPER

Mr. BAUCUS. Mr. President, I want to recognize one key staff member whose last day in the Senate is today and that is Brian Pomper. He has worked in my Senate office since March 2003. He has served as my chief trade counsel over the past 2 years. In that time, Brian has been at the center of each and every trade initiative that has passed through this Congress. He has worked tirelessly and fairly with Members and staff of both parties in both Houses, and he has bridged gaps that have seemed insurmountable. He is very intelligent, very conscientious, and one of the most decent persons I have ever had the privilege to know. Brian Pomper will be sorely missed in the Senate.

Mr. GRASSLEY. Mr. President, at this time I would like to recognize Brian Pomper, chief trade counsel for the Democratic staff on the Finance Committee. Today is Brian's last day with the committee. Brian has been a real asset to the Senate, and he will be greatly missed.

He has worked both with my staff and sometimes against my staff, but let me tell you this: He is the sort of person who, whether he is with you entirely or against you, is a wonderful person to work with. So at all times the lines of communication with him between our staffs always remained open, and it has always been a friendly relationship.

Brian is a very warm and decent person, and I wish him the best of luck in his future endeavors. It is my understanding that he is going to go into the private sector, the cold cruel world of the private sector. I hope he enjoys it, but I want to thank him for his cooperation with us.

TAX-HEALTH-TRADE EXTENDERS BILL

Mr. BAUCUS. Mr. President, I am pleased to join my friend and chairman, Senator GRASSLEY, in bringing this package of needed tax, health, and trade matters to the Senate floor.

This is the last bill that Senator GRASSLEY will manage as chairman for at least a couple of years. And I want to take this opportunity to recognize his leadership as chairman on the Finance Committee. He and I have worked together as partners and we will continue to work together as partners in the Congress to come.

Mr. President, Goethe said: ''To rule is easy, to govern difficult.'' Surely, this bill is evidence of that.

The vast bulk of this bill is simply the business of governing. It continues needed tax, health, and trade law. These are things that we must do if we are to govern effectively. But certainly this bill has been difficult to enact.

Much of this bill has been more than a year in the making. It involved negotiations between several Committees, two Houses, and bipartisan leadership teams. It suffered many deaths. And it enjoyed a few resurrections. But through hard work and determination we are finally able to present today, this bipartisan, bicameral agreement.

The provisions of this bill are overwhelmingly the business of governing. They reinstate tax laws that have been needlessly disrupted. They protect health care coverage. And they continue free trade arrangements that benefit consumers and the residents of some of the world's poorest countries.

Let me first turn to the tax section of the agreement. The key tax provisions of this bill are a host of popular tax incentives that expired last December. They have languished all year.

The Finance Committee and the Senate passed legislation to extend these credits on time. The Senate passed them in November of last year as part of the tax reconciliation bill. But the conference with the House kicked those tax cuts out.

Folks told us that the tax cuts would travel on the next tax bill, the pension conference. But again , the conference committee with the House removed them to sweeten other bills. when coupled with other more controversial measures, they failed.

This is an unfortunate history. And it is one that I hope we will not repeat. If this Senator has anything to say about it. This is not how we will govern, in the next Congress.

Congress's delay in extending these tax provisions caused uncertainty. And the delay until now will have real consequences for taxpayers. Just this week, I received a report of the contingency plan at the IRS for the 2007 filing season. The IRS identified about 60 tax forms and products that will be affected by this delay.

The Form 1040 has already gone to the printer. That happened back in November. More than 120 million taxpayers use that form. The IRS will not reprint those forms.

Consequently, the IRS expects taxpayer confusion. IRS expects more phone calls to the IRS with questions. IRS expects delays in filing. IRS expects incorrect returns. And IRS expects more amended returns.

Further, the IRS will need at least 6 weeks to reprogram its systems to accommodate the changes. It is simply too late for the IRS to implement the 2007 filing season on time. This means delays in starting to process and issue refunds. And it means money. It may cost the IRS millions in additional costs because of our delay. And the cost to taxpayers could be even greater.

In September, I brought a display of the draft Form 1040 for next year. Already, the classroom teachers' deduction and the college tuition deduction were gone. Millions of families that normally take those deductions, and other popular incentives like the state sales tax deduction will wonder why those lines no longer appear on the Form 1040. And, unless taxpayers are willing to get on the Internet and search, they may never know that we extended these incentives in the nick of time.

Governing may be difficult, but we must do better.

We must do better by our business taxpayers. Twenty thousand businesses who hire the hard-to-employ have continued to hire these workers with only a hope that we would retroactively extend the Work Opportunity Tax Credit. I am pleased to report that the credit is retroactive to the beginning of this year and improvements will be effective beginning next year.

For the 16,000 businesses in this country that create high-tech jobs for U.S. workers, we have retroactively extended the R&D credit to the beginning of this year. We have provided for a new, enhanced credit for next year. And, we have also provided a special rule for fiscal year taxpayers. That will ensure these businesses can access the credit even though their tax year has closed.

The agreement also provides a one-year extension of certain energy tax incentives that were due to expire next year. This package includes the popular credit for electricity from alternative energy sources.

And this agreement extends expired individual tax incentives for 2 years—2006 and 2007. These incentives include the college tuition deduction, the state

sales tax deduction, and classroom teachers' deduction, among others.

This bill also has a substantial health component. The main attraction is an adjustment to the Medicare physician payment rate. This will stave off a cut of more than 5 percent in what Medicare pays doctors in 2007.

And we are going to reward doctors for reporting on their performance. This will help move us toward paying for quality in the Medicare program. The information collected when doctors report on quality measures will be the foundation for paying for performance. We will move toward rewarding outcomes rather than simply the number of procedures.

This bill also extends important provisions from the 2003 Medicare Modernization Act that are scheduled to expire at the end of this month. These provisions will help rural clinical laboratories, physical and occupational therapy patient, and pathologists.

The bill will ensure continued access to dialysis services for patients with kidney failure. And it will correct how vaccines are reimbursed under the new Medicare prescription drug benefit. This will make vaccines even easier for seniors to get.

Fighting health care fraud and abuse is another important part of this bill. A special fund, known as the Health Care Fraud and Abuse Control fund, was established years ago to help the Department of Justice work together to identify, deter, and prosecute health care fraud. Unfortunately, Congress has frozen the program's resources since fiscal year 2003. This bill would increase funding for the program each year for the next 4 years to keep up with inflation.

We also provide the administration with another tool in fighting erroneous payments in Medicare. It would expand a demonstration program that was included in the 2003 Medicare law to use recovery audit contractors to identify and collect overpayments in Medicare.

In the Medicaid program, this bill codifies the maximum rate at which States can tax health care providers under their Medicaid plans.

Another provision extends transitional medical assistance, or TMA, for up to a year. TMA makes sure that low-income families do not lose their Medicaid health insurance when they move from welfare to work.

This bill has real benefits for real people. In my home state of Montana alone, the physician payment adjustment will make a difference of between $10 million and $13 million to Montana doctors in 2007. The clinical laboratories extension provision will mean an additional $900,000 for clinical laboratories in Montana. The therapy caps exception will mean an additional 1,700 Montanans will have access to physical and occupational therapy services in 2007. And the Medicaid provider tax provision means that Montana Medicaid nursing homes will get $112 million in additional revenues over the next 5 years, while the State will have $36 million.

The provisions in this bill are good for beneficiaries. These are good policies and they will help Medicare and Medicaid continue to provide Americans with the kind of quality health care they deserve.

This legislation also ensures that two important trade programs, the Generalized System of Preferences and the Andean Trade Preferences Act, will not expire at the end of this year. Thousands of people's jobs depend on these programs, both here and abroad.

The Generalized System of Preferences has been a part of American trade policy for more than 3 decades. It has encouraged development in poor countries by granting duty-free access to the world's largest market.

But developing countries are not the only beneficiaries.American businesses benefit from the program. It allows them to source inputs and components duty-free. They can pass these benefits on to their customers in the form of lower prices and greater product variety.

Critics of the Generalized System of Preferences rightly point out that the largest beneficiaries are middle income countries with strong export sectors that may not need these preferences.

With this in mind, we have given the President authority to scale back benefits under the program if he determines that a country has become a competitive exporter. The President can examine the circumstances unique to each beneficiary country and weigh them against foreign and economic policy priorities.

This bill will extend benefits under the Andean Trade Preferences Act for another 6 months, and would make a beneficiary country eligible for benefits for 6 more months if the United States and that country both complete their legislative processes to implement a free trade agreement.

This extension means that the Andean countries' current preferences will not disappear abruptly at the end of this year. That would throw thousands of people out of work in the Andean region, and possibly drive thousands more to coca cultivation and trafficking.

I continue to believe that a simple 1-year extension for both the Generalized System of Preferences and the Andean Trade Preferences Act—without changes—is the best policy. A 1-year extension would allow us to maintain the status quo. That would give us breathing space to evaluate all our preference programs next year and determine whether and how they mesh with out trade and competitiveness goals.

That is not what this bill contains. but what this bill does contain on these important programs is far preferable to the disruption that expiration would engender for the thousands of people both here and abroad whose jobs rely upon these programs.

In the next Congress, I intend to examine our trade preference programs, to explore whether and how they might be changed to address the valid criticisms some of my colleagues have made. We should understand the effect these programs have on the U.S. image around the world, our diplomatic efforts, and our trade priorities in the Doha Round and elsewhere.

And we should give those in the United States who rely upon our trade preference programs an opportunity to suggest how those programs might be improved, and to explain how their interests might be affected by some of the changes that have been proposed.

This bill also establishes a crucial 5-year trade preference program for a country much closer to home—Haiti. Haiti, just 600 miles from our shores, is the poorest country in our hemisphere.

This program could help the people of Haiti to get back on a path to prosperity, opportunity, and long-term political stability. I commend the tireless efforts of Senators BILL NELSON and MIKE DEWINE, former Senator Bob Graham, and incoming House Ways and Means Committee Chairman CHARLIE RANGEL to ensure that this Congress would extend this vital assistance.

This legislation also extends expiring third-country fabric provisions for the least-developed African countries under the African Growth and Opportunity Act. That Act has contributed to the creation of thousands of jobs and investment in Sub-Saharan Africa. It has been credited with nearly tripling African apparel exports to the United States. These exports, around $1.4 billion in 2005, are just a fraction of the U.S. apparel market. But they are very significant to the companies and workers supplying them.

This bill extends the third-country fabric provisions until 2012. I believe that if we give this program more time, more opportunities for investment and development will take root in southern Africa.

The bill before the Senate today will also deliver some much-needed help for American manufacturers who import products they can't buy in the United States. This bill temporarily suspends duties charged on imported manufacturing inputs provided that no domestic company produces those goods.

These duty suspensions mean jobs for American workers. They mean that Simms Fishing in Bozeman, MT can save money on the production of their world-class fishing waders. And Sun Mountain Sports in Missoula, MT, will get a break on the cost of manufacturing its high quality golf bags. While each duty suspension is worth less than $500,000, that money can mean a lot to small businesses around the country like Simms and Sun Mountain. The money they save can be reinvested in more jobs and further development right here at home.

Today the Senate also stands poised to accomplish a goal that has eluded the United States for nearly 200 years—

normal economic relations with Vietnam.

In April 1975, trade between America and Vietnam stopped. After the fall of Saigon, America imposed an economic embargo on the newly unified Vietnam. After years of painstaking diplomacy beginning with the first President Bush, relations between the United States and Vietnam improved. Trade between the two countries took off after the two sides began to implement a bilateral trade agreement in December 2001. Trade was just $1.4 billion in 2001. Four years later, trade flows were 5 times as large, hitting $7.7 billion in 2005. Vietnam's imminent accession to the World Trade Organization as its 150th member will accelerate this trend.

Economically, Vietnam has become a critical market for the United States. Out of the rubble of a war that killed roughly a million of its citizens, Vietnam has re-emerged as a country with more than 83 million smart, energetic, hard-working men and women.

The terms of Vietnam's WTO accession are first rate. Farmers and ranchers in Montana and across America will benefit from deep reductions in Vietnam's agricultural tariffs. Vietnam also committed to cut industrial tariffs to 15 percent or less for nearly all U.S. exports.

And Vietnam has further opened its market to our most competitive sector—the services industry—which employs 3 out of 4 Americans.

But to benefit from these and the rest of Vietnam's WTO accession commitments, the United States must grant Vietnam permanent normal trading relations. That is the small price that we have to pay: granting Vietnam, on a permanent basis, the normal trade relations that we already provide Vietnam on a renewable basis. Senator SMITH and I introduced a bill to do so in June—with Senators MCCAIN, KERRY, LUGAR, HAGEL, MURKOWSKI, and CARPER.

If we do not grant Vietnam PNTR, then America will be shut out of Vietnam's market-opening commitments. If we do not, then the benefits of those commitments would instead flow to exporters in China, the European Union, Japan, and elsewhere.

But Vietnam PNTR is not just about economics. As important, it makes history. It completes the process of normalization and reconciliation between two formerly bitter enemies.

Let us make history today and pass this bill to grant Vietnam PNTR.

Let us provide taxpayers with the tax relief they have been waiting for all year. Let us ensure that harsh cuts do not drive doctors away from seeing Medicare patients. And let us take some small steps to foster free trade.

This year, governing has been difficult. But let us conclude this effort. Let us do this work that needs to be done. And let us conclude the work of this session of Congress so we can get on with next year.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVIDING OPTIONAL FUNDING RULES FOR EMPLOYERS IN APPLICABLE MULTIPLE EMPLOYER PENSION PLANS

Mr. STEVENS. I send a bill to the desk and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 4121) to provide optional funding rules for employers in applicable multiple employer pension plans.

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, a year ago I raised the issue of the problem of the small timber industry in Alaska, and we had an amendment to be offered to the tax bill. I was asked not to proceed then, and I received a commitment that this amendment would be included in the next tax bill as a technical correction. We thought it was going to be in this year again, and I discovered it is not in the bill.

What this bill does, it deals with the problem created in the timber industry in southeastern Alaska when a series of companies failed and they left a situation where the pension plan is supported only by the surviving companies. These companies have the obligation to pay the pensions of those who retired from other companies that failed, prior to their demise, but they found they cannot do that and survive unless the time within which the payments are to be made is extended. That will be the purpose of this bill. The purpose of this bill is to extend the time so that the surviving companies can pay not only their own employer contribution for their own employees but for the employees of the companies that failed.

I have been told today that this bill affects 600 to 1,000 jobs in southeastern Alaska now and up to 2,000 employees who already retired. Unless the time is extended, the surviving companies will fail and the existing employees will lose their jobs and those who have already retired will not get their pensions.

I conferred with our friend, the chairman on the House side, Chairman THOMAS. I suggested the only way to deal with this now, since the House has already passed this bill without the amendment in it, would be to have this independent bill passed. I am grateful to all who have been considering this bill all day long. It has been an all-day-long proposition, and I do hope it will be passed now so that we may try to see if the House can pass it before they adjourn.

I do urge immediate passage of the bill.

The PRESIDING OFFICER. If there is no further debate, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 4121

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

SECTION 1. TREATMENT OF LIABILITY FOR CERTAIN MULTIPLE EMPLOYER PLANS.

(a) IN GENERAL.—In the case of an applicable pension plan—

(1) if an eligible employer elects the application of subsection (b), any liability of the employer with respect to the applicable pension plan shall be determined under subsection (b), and

(2) if an eligible employer does not make such election, any liability of the employer with respect to the applicable pension plan shall be determined under subsection (c).

(b) ELECTION TO SPIN OFF LIABILITY.—

(1) IN GENERAL.—If an eligible employer elects, within 180 days after the date of the enactment of this Act, to have this subsection apply, the applicable pension plan shall be treated as having, effective January 1, 2006, spun off such employer's allocable portion of the plan's assets and liabilities to an eligible spunoff plan and the employer's liability with respect to the applicable pension plan shall be determined by reference to the eligible spunoff plan in the manner provided under paragraph (2). The employer's liability, as so determined, shall be in lieu of any other liability to the Pension Benefit Guaranty Corporation or to the applicable pension plan with respect to the applicable pension plan.

(2) LIABILITY OF EMPLOYERS ELECTING SPIN-OFF.—

(A) ONGOING FUNDING LIABILITY.—

(i) IN GENERAL.—In the case of an eligible spunoff plan, the amendments made by section 401, and subtitles A and B of title I, of the Pension Protection Act of 2006 shall not apply to plan years beginning before the first plan year for which the plan ceases to be an eligible spunoff plan (or, if earlier, January 1, 2017), and except as provided in clause (ii), the employer maintaining such plan shall be liable for ongoing contributions to the eligible spunoff plan on the same terms and subject to the same conditions as under the provisions of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 as in effect before such amendments. Such liability shall be in lieu of any other liability to the Pension Benefit Guaranty Corporation or to the applicable pension plan with respect to the applicable pension plan.

(ii) INTEREST RATE.—In applying section 302(b)(5)(B) of the Employee Retirement Income Security Act of 1974 and section 412(b)(5)(B) of the Internal Revenue Code of 1986 (as in effect before the amendments made by subtitles A and B of title I of the Pension Protection Act of 2006) and in applying section 4006(a)(3)(E)(iii) of such Act (as in effect before the amendments made by section 401 of such Act) to an eligible spunoff plan for plan years beginning after December 31, 2007, and before the first plan year to which such amendments apply, the third segment rate determined under section

303(h)(2)(C)(iii) of such Act and section 430(h)(2)(C)(iii) of such Code (as added by such amendments) shall be used in lieu of the interest rate otherwise used.

(B) TERMINATION LIABILITY.—If an eligible spunoff plan terminates under title IV of the Employee Retirement Income Security Act of 1974 on or before December 31, 2010, the liability of the employer maintaining such plan resulting from such termination under section 4062 of the Employee Retirement Income Security Act of 1974 shall be determined in accordance with the assumptions and methods described in subsection (c)(2)(A). The employer's liability, as so determined, shall be in lien of any other liability to the Pension Benefit Guaranty Corporation or to the applicable pension plan with respect to the applicable pension plan.

(c) LIABILITY OF EMPLOYERS NOT ELECTING SPINOFF.—

(1) IN GENERAL.—If an applicable pension plan is terminated under the Employee Retirement Income Security Act of 1974, an eligible employer which does not make the election described in subsection (b) shall be liable to the corporation with respect to the applicable pension plan (in lieu of any other liability to the Pension Benefit Guaranty Corporation or to the applicable pension plan with respect to the applicable pension plan) in an amount equal to the fractional portion of the adjusted unfunded benefit liabilities of such plan as of December 31, 2005, determined without regard to any adjusted unfunded benefit liabilities to be transferred to an eligible spunoff plan pursuant to subsection (b).

(2) DEFINITIONS.—For purposes of this subsection—

(A) ADJUSTED UNFUNDED BENEFIT LIABILITIES.—The term ''adjusted unfunded benefit liabilities'' means the amount of unfunded benefit liabilities (as defined in section 4001(a)(18) of the Employee Retirement Income Security Act of 1974), except that the interest assumption shall be the rate of interest under section 302(b) of the Employee Retirement Income Security Act of 1974 and section 412(b) of the Internal Revenue Code of 1986, as in effect before the amendments made by the Pension Protection Act of 2006, for the most recent plan year for which such rate exists.

(B) FRACTIONAL PORTION.—The term ''fractional portion'' means a fraction, the numerator of which is the amount required to be contributed to the applicable pension plan for the 5 plan years ending before December 31, 2005, by such employer, and the denominator of which is the amount required to be contributed to such plan for such plan years by all employers which do not make the election described in subsection (b).

(d) OTHER DEFINITIONS.—For purposes of this section—

(1) APPLICABLE PENSION PLAN.—The term ''applicable pension plan'' means a single employer plan which—

(A) was established in the State of Alaska on March 18, 1967, and

(B) as of January 1, 2005, had 2 or more contributing sponsors at least 2 of which were not under common control.

(2) ALLOCABLE PORTION.—The term ''allocable portion'' means, with respect to any eligible employer making an election under subsection (b), the portion of an applicable pension plan's liabilities and assets which bears the same ratio to all such liabilities and assets as such employer's share (determined under subsection (c) as if no eligible employer made an election under subsection (b)) of the excess (if any) of—

(A) the liabilities of the plan, valued in accordance with subsection (c), over

(B) the assets of the plan,

bears to the total amount of such excess.

(3) ELIGIBLE EMPLOYER.—An ''eligible employer'' is an employer which participated in an eligible multiple employer plan on or after January 1, 2000.

Mr. REID. I move to reconsider the bill.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUSAN MCCUE

Mr. REID. Mr. President, for 16 years I have had a woman working for me who has been outstanding. She has worked in my press department for the last 8 years. She has been my chief of staff. Her name is Susan McCue. She has a wonderful background. She is one of 10 children. She put herself through college working as a waitress, among other things. She is a graduate of Rutgers University with a bachelor's degree.

Some people are born with the ability to jump high and throw balls a long ways, and some people go to the finest business schools in the country to learn how to manage people. Susan has an innate ability, as if she were a skilled athlete, a skill to be an administrator. What she did to develop my staff is something that I am sure someday will be used as a ''how you should hire a staff in Washington, DC.''

I have such great affection for Susan. She has worked so hard for me. She has decided to leave after 16 years to go downtown and work, seeking not a job where she can make a lot of money but working in a program that will deal with poor people around the world. She will make just a little bit more money than she is being paid right here. But being the person she is, a kind, thoughtful, considerate person, she thought it was time for a change.

As hard as it is for me to let someone go who has done such a wonderful job for me, I must be as loyal and dedicated to her as she has been to me.

I want everyone to know—and I especially want Susan to know—that her work on my behalf has been something that I and my family will long remember. I have never had anyone in my professional career as a lawyer, as a government worker, who has been more dedicated or more skilled than Susan McCue. I will miss her greatly. I know our paths will cross, but I am a better person for having had her run my office. And poor people of the world will be well served with Susan McCue looking after them.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection, it is so ordered.

TAX EXTENDERS

Mr. DEWINE. Mr. President, I will be very brief. I have spoken a lot in the last week, but I want to talk very briefly about the bill that will be before the Senate in a few minutes, and speak about one particular provision, the antitrade bill.

I thank BILL THOMAS, I thank BILL FRIST, Senator GRASSLEY, Senator BAUCUS, CHARLIE RANGEL, KENDRICK MEEKS. I thank the Chair, I thank Senator DURBIN, the leadership in the House and the Senate of both parties, for including this provision in the bill.

BILL THOMAS told me a moment ago, as I congratulated him and thanked him, that this should have passed 4 years ago. I think it should have. We worked on it for a long time.

The good news is that it will make a difference. It will create many jobs in Haiti, a country that has about 70-percent unemployment, gross underemployment, a country that Fran and I visited again last week, where we saw Paul Farmer's hospital in the central part of Haiti, with children who were grossly malnourished, children who do not have enough to eat, children who would have died but for getting into Paul's hospital, children whose hair was turning orange because of malnutrition. When we went to Sisters of Charity in Port-au-Prince, we saw twins who had been brought in by their dad who did not have enough to eat; they were clinging to life. That is replicated all over Haiti.

This bill will not solve all the problems of Haiti, but it will begin to do the one thing that is needed: Create jobs. The Haitian people are an industrious people. They are hard working. They line up for jobs. Jobs in Haiti are what the country needs. It is what the new Government, that has been duly elected, needs—to be able to show some progress, to be able to give the people of Haiti some hope.

I thank my colleagues. I thank all of them for including this provision. I thank my friend Lindsey Graham and others who represent textile interests. I know they had problems with this bill. We tried to work out some of those problems. They represented their constituents well. But they also had the heart for the people of Haiti.

This is not just a question about humanitarian concern; it is also about our national interests. It is about our foreign policy. Haiti, as the Presiding Officer knows, being from Florida knows, is very close to Miami. It is probably an hour and 20 minute flight from Miami. Boat people come up there time and time again. We have had

United States Marines, United States troops in Haiti twice in the last decade. It is a country that we need to care about. It is very important to us.

I thank the Chair. I thank my colleagues for including this provision. It is a provision that will make a difference. It is a provision that will save lives. I thank my colleagues for this.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2007

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 102, which was received from the House.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 102) making further continuing appropriations for the fiscal year 2007, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. COCHRAN. Mr. President, I deeply regret that we will soon adjourn having adopted only 2 of the 12 fiscal year 2007 appropriations bills.

This year, the Senate Appropriations Committee reported all of the bills under its jurisdiction by July 20, the earliest that has been done in 18 years. These bills were all within the budget allocation, and the total funding appropriated was lower in real dollars than last year. I regret that the Senate was not allowed to consider these bills in time to complete action before the beginning of this fiscal year.

In this continuing resolution, which is now before the Senate, we have made sure that the Department of Veterans Affairs has sufficient resources to provide all the benefits veterans are entitled to receive under the law and that no veteran will be denied any benefit or receive anything less than the finest care available.

I urge the Senate to approve this bill.

Mr. BYRD. Mr. President, we are now 69 days into the fiscal year and only 2 of the 12 appropriations bills are public law. The Senate now has before it a third continuing resolution that funds 13 of the 15 executive branch Cabinet departments through February 15.

When it comes to funding bills for domestic agencies, the majority leadership is apparently satisfied with a restrictive continuing resolution. Eight of the 12 bills were never even debated in the Senate. When it comes to caring for our veterans, the education of our children, the health of our elderly, and the ability of our deteriorating infrastructure to sustain a growing economy, the majority leadership is satisfied with a rubberstamp continuing resolution, kicking the decisions down the road to the next Congress. This dismal performance is not the result of the work of the Appropriations Committee. The Appropriations Committee did its work and, on a bipartisan basis, reported all 12 of its bills by July 26. Chairman COCHRAN did an outstanding job in leading the committee.

Sadly, the appropriations process, once again, has fallen prey to politics.

Next year, the 110th Congress will have to complete the 2007 appropriations bills, a war supplemental, and the 2008 bills.

This will be a huge challenge. However, in the bipartisan tradition of the Senate Appropriations Committee, I am committed to working with my colleagues to meet this challenge.

Mr. DURBIN. Mr. President, the continuing resolution we are considering here today has a 6-week moratorium on a cost-of-living adjustment for Members of Congress. I support this provision because we should not give ourselves a raise until we pass legislation raising the minimum wage.

It has been a decade since Congress last increased the minimum wage to $5.15 an hour. Since then, the real value of the minimum wage has eroded by 20 percent, since—unlike Congress's pay raise—we did not increase the minimum wage to keep pace with inflation.

Twenty-nine States have answered the call and raised the minimum wage. Illinois is one of those States—it has a minimum wage of $6.50, and in December the Governor is expected to sign recently passed legislation raising the minimum wage to $7.50 in July.

But there are still 6 million Americans making $5.15 an hour.

We have been trying for nearly a decade to get the attention of the Republican leadership that there are millions of Americans who go to work every single day and can't make enough money to provide decent day care for their kids, pay medical and utility bills, and provide food and other essentials that are just a part of every family's daily life.

A Low Income Housing Coalition study shows that, for the first time, there was not one county anywhere in America in which a minimum wage worker could afford a one-bedroom apt. On average, workers have to make three times the minimum wage to afford a one-bedroom apartment in this country. So people who are working full time for minimum wage literally can't afford to keep a roof over their children's heads.

These hardworking Americans who work full time and make the minimum wage earn just $10,700 per year—$6,000 below the poverty level. In Illinois, $6.50 minimum wage workers currently earn $13,520. And now there are 37 million Americans in poverty—a 5.4 million increase since President Bush took office.

While the Republicans in this town refuse to raise the minimum wage to help millions out of poverty, Congress has seen its pay increased by $31,600. Something is wrong here.

We hope to send a message to the Republican leadership in Congress that these hardworking families deserve a raise too, because it's time for a Congress that truly is sensitive to real family values.

Because one of those real family values is when you get up and go to work every morning, doing your best for your kids and your family, you deserve a decent pay check.

Democrats believe that, and that is why we support passing legislation raising the minimum wage to $7.25 an hour over 2 years before we allow Members to receive a roughly $3,000 increase.

While some people may say that the amount of the automatic raise Members are foregoing—$350—is only symbolic, keep in mind that minimum wage earners only earn $206 per week. To them, $350 isn't symbolic, it is the equivalent of 68 hours worth of hard work.

Therefore, on behalf of 6 million Americans making the minimum wage, I urge Republicans to join with Democrats in passing a clean minimum wage bill in January before any automatic pay adjustment for Members takes effect.

Mr. COCHRAN. I ask unanimous consent that the resolution be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 102) was ordered to a third reading, was read the third time, and passed.

NOTICE

Today's Senate proceedings will be continued in Book II

EXTENSIONS OF REMARKS

RECOGNIZING BRADLEY C. KEENEY FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Bradley Keeney, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 357, and in earning the most prestigious award of Eagle Scout.

Bradley has been very active with his troop, participating in many scout activities. Over the many years Bradley has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. It is with extreme pleasure that I commend the dedication Bradley has shown.

Mr. Speaker, I proudly ask you to join me in commending Bradley for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout. I am proud to represent Bradley in the United States House of Representatives.

HONORING THE MEMORY OF MR. BERNARD SIDNEY DITTMAN

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. BONNER. Mr. Speaker, Mobile County and indeed the entire State of Alabama recently lost a dear friend, and I rise today to honor him and pay tribute to his memory. Mr. Bernard Sidney Dittman, known as ''Bernie'' to his many friends and family, was a devoted family man and dedicated community leader throughout his life.

Bernie purchased WABB–AM in Mobile, Alabama, in 1959. This station, previously owned by the Mobile Press-Register newspaper organization, first went on the air in 1948 with call letters that stand for ''Alabama's Best Broadcasters.''

One year later, Bernie moved to Mobile and completely changed the broadcast format of the station. His conversion of WABB from a country station to Top 40 propelled WABB to the position of the leading station in that format and one of the premiere stations anywhere along Alabama's Gulf Coast.

In 1973, Bernie took WABB in a new direction when the station added a new FM signal and began to broadcast a progressive rock format. At a time when most automobiles were not equipped with FM receivers, Bernie and his team ran an extensive series of on-air promotions encouraging the installation of low-cost FM receivers.

Under Bernie Dittman's leadership, WABB became one of the longest-running and most successful Top 40 radio stations in the United States.

The station has also spearheaded over the years the move to more equality in the hiring of on-air personalities and staff members. In fact, WABB was one of the first stations in south Alabama to hire both women and African-Americans for important announcer positions. WABB has also been a critical part of Mobile's emergency broadcast community and played a crucial role in providing information to listeners during Hurricane Frederic (1979) and Hurricane Ivan (2004). During Ivan, WABB was one of the few stations in the area able to transmit continuously during the storm without losing power. Following the end of the storm, the station also led the effort to collect and distribute relief material to neighboring States which had also been severely affected.

Aside from his professional obligations, Bernie ensured that WABB and its family of employees took an active role in the life of the Mobile community.

For the past 47 years, the station has operated the WABB Community Club Awards Program of Greater Mobile, which has provided over $250,000 in financial awards to local civic, religious, and cultural institutions. Additionally, the station has been a 40-year sponsor of the Greater Gulf State Fair, a 35-year sponsor of the Alabama Deep Sea Fishing Rodeo, and a long-time sponsor of both the Senior Bowl and GMAC Bowl college football games.

Additionally, the Boys and Girls Clubs of Greater Mobile, the United States Marine Corps Toys for Tots program, the Mobile Ronald McDonald House and numerous other organizations advocating area youth have benefited tremendously from Bernie's leadership and community involvement. In fact, the area Toys for Tots program holds the record for the single largest toy collection anywhere in the United States, with over 100,000 toys collected—due in no small part to the efforts of Bernie and his entire team.

Bernie was a longtime member of the Alabama Broadcasters' Association and the National Association of Broadcasters and in 2000 was the recipient of the Greater Mobile Advertising Federation Silver Medal Award.

Mr. Speaker, there have been few individuals more important to the broadcast profession in Alabama or to the life of their local community than Bernie Dittman.

He was an outstanding example of the quality individuals who have devoted their lives to the field of broadcasting, and I ask my colleagues to join with me in remembering a dedicated community leader and friend to many throughout south Alabama.

Bernie Dittman loved life and lived it to the fullest, and his passing marks a tremendous loss for all of south Alabama. He will be deeply missed by many, most especially his wife, Judith S. Dittman; his 3 daughters, Betsy Dittman, Stephanie Teichmer, and Marsha Scimo; his sister Sylvia Scott; and 3 grandchildren; as well as countless friends and loyal employees that he leaves behind.

Our thoughts and prayers are with them all at this difficult time.

PAYING TRIBUTE TO JEANETTE ROBINSON

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Jeanette Robinson in recognition of her multiple accomplishments as a professional bowler.

Jeanette has been inducted into seven bowling halls of fame and is the only person to have attained this great honor. Her competition and coaching endeavors have allowed her to travel the world and work with the best players internationally. Jeanette has also bowled a competitive frame in 49 of 50 states.

Jeanette grew up in Flint, Michigan and picked up her first bowling ball in 1956 at age 28. By 1957, Jeanette was coaching youth and seniors in addition to running leagues and tournaments full-time. As the first known person to organize and promote national bowling tournaments for the deaf and the blind in 1958 and 1959, she laid the foundation for making bowling a sport for everyone.

As more coaching opportunities became available, Jeanette's travels increased, and she was chosen president of the Professional Women's Bowlers Association in 1965. She held this position for 10 years until stepping down in 1975. Under her leadership, the women's professional bowling tour grew exponentially.

Although Jeanette still bowls today, her true love is coaching and she currently holds the position of resident professional at The Orleans Bowling Center. Her work with the local Las Vegas high school leagues, professional tours and family bowlers at The Orleans is most rewarding because it is the legacy of her sport that she hopes to see passed on from generation to generation.

Mr. Speaker, I am proud to honor Jeanette Robinson. Her lifetime contributions to the sport of bowling are truly commendable. I wish her the best in all of her future endeavors.

IN RECOGNITION OF THE AUXILIARY TO BELLEVUE HOSPITAL CENTER, INC. ON THE OCCASION OF THE 100TH ANNIVERSARY OF ITS FOUNDING

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mrs. MALONEY. Mr. Speaker, I rise to honor the Auxiliary to Bellevue Hospital Center, Inc., which is celebrating its 100th anniversary of service to the community. During that

time, the Auxiliary has developed into an invaluable resource for Bellevue Hospital, one of our Nation's most renowned hospitals. Over the past 100 years the Auxiliary has provided in excess of $45 million in support, piloted numerous new programs and been a source of satisfying work for thousands of volunteers. At their gala recognizing, they are honoring Rita J. Kaplan, for her philanthropy, Dr. Robert S. Holzman, for patient care, and Michael "Buzzy" O'Keeffe, for community service. They are all sterling examples of the extraordinary volunteers who have made the Auxiliary such a superb institution.

The Auxiliary was founded in 1906 by a group of socially conscious women who wanted to support the Bellevue Tuberculosis Clinic. Among other things, they created a Day Camp in 1908 on the old ferryboat "Southfield," anchored off the Bellevue Hospital grounds, so that patients could spend time in the open air. Contemporaneously, another group of philanthropic-minded women formed the Convalescent Relief Committee to assist in the well-being, care and convalescence of Bellevue patients. In 1907 a third group, The Synagogue Committee formed to translate for Yiddish-speaking Bellevue patients and provide for their social service needs.

The three groups grew steadily until their work encompassed every ward and clinic at the hospital. Eventually they recognized that they would accomplish more by working together. Thus, in 1940 the Auxiliary merged with the Convalescent Relief Committee and the Synagogue Committee and in 1945 the Auxiliary was legally incorporated as the Social Service Auxiliary to Bellevue Hospital. In 1956, the organization adopted its current name: the Auxiliary to Bellevue Hospital Center, Inc.

Volunteers have entertained patients and provided caring assistance to those in need. Additionally, through the years, the Auxiliary's volunteers have launched innumerable projects to serve Bellevue's patients. For example, in 1941 the Auxiliary founded and began staffing three patient libraries located in the TB, general and psychiatric divisions. The Interfaith Chaplaincy Program also counts on Auxiliary volunteers to help them attend to the patients' spiritual needs.

Volunteers have raised money for the hospital through a number of different enterprises and fundraising events, providing millions of dollars for the Hospital's needs. From thrift shops through coffee shops, the Auxiliary has been entrepreneurial in its approach to fundraising. The Auxiliary's Stuyvesant Square Thrift Shop at 80th Street is considered one of the best places in Manhattan to find inexpensive designer wear and other interesting clothes. The thrift shop is the successor to The Little Jack Horner Shop which opened during the Depression to serve patients and their families by providing low priced wares and clothing. The Bellevue Snack Bar opened on May 23, 1956 and has served physicians, staff and visitors to Bellevue Hospital while providing revenue for the Auxiliary's needs. Fifty years later the snack bar, now the Coffee Shop, continues to operate. The Bellevue Newsstand was created by the Auxiliary in 1970 and continues as a combination Newsstand/Gift Shop.

Notwithstanding the changes that have taken place during the past 100 years, service continues to be the Auxiliary's primary mission. Today's Auxiliary is a vibrant organization comprised of caring and involved people who pride themselves on having an impact on the well-being of all of the patients of Bellevue Hospital Center.

Mr. Speaker, I ask my colleagues to join me in saluting the hard-working, caring and compassionate volunteers of the Auxiliary to Bellevue for their 100 years of service to the patients of Bellevue Hospital. Every patient who passed through its doors has benefitted from their dedication.

CELEBRATION OF FREEDOM

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. WOLF. Mr. Speaker, when the Congress was in recess this fall, a significant milestone in the fight for freedom occurred.

This past October 23 marked the 50th anniversary of the 1956 Hungarian Revolution. I want to recognize the young freedom fighters who on that day against monumental odds, put their lives on the line to fight for the liberation of their country from the oppression of a dominating communist empire.

They are true heroes, not only to citizens of Hungarian origin who have come to America, but to freedom-loving people around the world. As we remember the sacrifice of these freedom fighters, it is important to take the time to reflect upon the importance to freedom and liberty, and remember those who dedicate their lives to defending human rights.

HONORING JACK FINNEY

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. HALL. Mr. Speaker, today I rise to honor my friend Jack Finney. Jack recently celebrated his 90th birthday by donating more than $1 million to the Hunt Memorial Hospital District Charitable Health Foundation. Jack's generous donation will ultimately enhance the soon-to-be-built cancer center on the campus of Presbyterian Hospital of Greenville.

Jack has a long history of making generous gifts to the community, having donated land, money, and his time to a variety of institutions such as Texas A&M University at College Station, Audie Murphy/American Cotton Museum, Greenville YMCA, Greenville Chamber of Commerce, Paris Junior College, Texas A&M University-Commerce, the Greenville schools and many others. Other institutions that have benefited from his leadership include the local Rotary, Chamber of Commerce, and Board of Development as well as Texas A&M Universtiy, the Texas Baptist Foundation, and the U.S. Small Business Administration.

Jack's efforts have led to multiple honors from Texas A&M, including his selection as a Distinguished Alumnus and election to the Hall of Honor of the A&M Corps of Cadets. Jack has also been honored with Greenville's "Worthy Citizen" Award, for which he donated $50,000 establishing an endowment to maintain the annual award in perpetuity.

In appreciation of Jack's latest gift, the Hospital District's Board of Directors have decided to name the new cancer center the Lou and Jack Finney Cancer Center in honor of Jack and his late wife, Lou House Finney. Lou and Jack were married for 68 years prior to her death in 2005.

During the reception honoring Jack's gift, Mayor Tom Oliver of Greenville proclaimed August 15th "Jack Finney Day" in the City of Greenville.

It has been speculated that Jack's gift is the largest single gift that an individual has ever made to a non-profit organization in Hunt County, and that certainly speaks volumes about Jack's generosity. Having given his time, money, and energy to so many worthy causes it is not surprising for Jack to have celebrated his 90th birthday with so large and charitable a gift. The community is fortunate indeed to have so generous a benefactor. Jack has spent his life serving and enriching the community, and his latest gift only further reinforces this legacy.

Mr. Speaker, as we adjourn today, let us do so in appreciation of the benevolence of this fine man and my friend—Jack Finney.

CONGRATULATING ST. THOMAS' EPISCOPAL SCOTTISH ARTS PROGRAM

HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. CULBERSON. Mr. Speaker, I want to congratulate the Pipe Band and Highland Dancers of St. Thomas' Episcopal Scottish Arts Program for their success and community service in Houston, Texas.

On August 26, 2006, the St. Thomas' Episcopal School Pipe Band won their fifth Juvenile World Pipe Band Championship title in Glasgow, Scotland. They also received 1st Place in Grade III Competitions at the Inverkeithing and Crieff Highland Games.

The Highland Dancers won more than 120 medals during the August, 2006 Scotland competitions. The 2006 U.S. and North American Highland Dancing Champion, Carla Gardner, received 4th overall at the World Highland Dancing Championships. The Highland Dancers have won 21 U.S. Championships and one World Championship.

The St. Thomas' Episcopal School Pipe Band and Highland Dancers are regularly invited to civic and charitable events and have performed for the United States Marine Corps, the Vietnam Veterans Memorial, the Children's Cancer Hospital at the M.D. Anderson Cancer Center, the Special Olympics, the Susan G. Komen Breast Cancer Center, the Boy Scouts of America, NASA, the Houston Museum of Natural Science, the Multiple Sclerosis Society, the Houston Fire Department, the Houston Police Department, the Galveston Historical Society, the British American Business Council, the Heather and Thistle Society, and the British Consulate.

The St. Thomas' Episcopal Scottish Arts Program serves to inform, educate, and entertain the public about the Scottish performing arts, and has helped to underscore the importance of maintaining and preserving ethnic artistic traditions. The Scottish Arts Program of

St. Thomas' Episcopal School annually performs at Houston's Scottish Festival Spectacular in March at Houston's Toyota Center. This year's festival will be held on March 16, 2007.

IN HONOR AND IN MEMORY OF ARMY SPECIALIST CHRIS MASON OF MOBILE, AL

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. BONNER. Mr. Speaker, I rise today to honor the life of a young man from the First Congressional District of Alabama who recently made the ultimate sacrifice in defense of his country while helping to spread freedom abroad.

Army SPC Chris Mason, a longtime Mobilian, was assigned to the 1st Battalion, 505th Parachute Infantry Regiment, 3rd Brigade, of the 82nd Airborne Division based at Fort Bragg, NC.

Chris joined the Army 2 years ago and comes from a family with a long and highly respected history of military service—his father, who served two tours of duty with the Marine Corps in Vietnam and completed a career in the Army, retiring with the rank of first sergeant, and his brother, an Army officer currently studying to become a chaplain.

During his career in the Army, Specialist Mason set a standard of excellence and displayed the qualities of discipline, devotion, and dedication to country that are the hallmarks of men and women throughout the long and distinguished history of the American military.

Following his 1994 graduation from Baker High School in Mobile, Chris became a professional rodeo clown with the Professional Rodeo Cowboys' Association. He also taught a commercial drivers license qualification course at Bishop State Community College. No matter what the task, Chris Mason undertook every challenge with a determination to succeed.

Mr. Speaker, at this difficult time, it is only appropriate for us to pause and give thanks to God that there are still young men like Chris Mason.

Chris's life and actions personify the very best America has to offer. I feel certain his many friends and family, as well as his comrades in the United States Army, while mourning the loss of this fine young man, are also taking this opportunity to remember his many accomplishments and to recall the fine gift they each received simply from knowing him and having him as an integral part of their lives.

He was not only a physical presence in their lives but a spiritual leader in every sense of the word.

Mr. Speaker, I urge my colleagues to take a moment and pay tribute to SPC Chris Mason and his selfless devotion to not only our country and the freedom we enjoy, but to a people who are in the demanding but important stages of a new life—a new freedom—in their own land.

Mr. Speaker, we should also remember his parents, Garland and Susie Mason, his brother, Garland Mason III, and his other relatives and many friends. Our prayer is that God will give them all the strength and courage that only He can provide to sustain them during the difficult days ahead.

It was Joseph Campbell who said, "A hero is someone who has given his or her life to something bigger than oneself."

Make no mistake, Chris Mason was not only a dedicated soldier who made the ultimate sacrifice serving in the uniform of his country, but he was also a true American hero. May he rest in peace.

PAYING TRIBUTE TO CLAYTON GLENN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor American Legionnaire Emeritus Clayton Glenn for his lifetime of service and dedication to this nation and its veterans.

Mr. Glenn was born 86 years ago in Brockton, MA, and has served this country since late 1941. It was the attack on Pearl Harbor nearly 65 years ago that spurred his enlistment into the U.S. Armed Forces. This path of service took him to military bases all across the United States and abroad for the ensuing 23 years.

Mr. Glenn's first stop was Ft. Devins, west of Boston, MA, where he served as infantryman, and then he moved on to the Jefferson Barracks in St. Louis, MO. He soon endeavored to join the U.S. Army Air Corps, which was to be the predecessor to the U.S. Air Force. There he served as an aircraft mechanic until 1948. Mr. Glenn desired to be stationed in New England, and so landed at Otis Air Force Base in Massachusetts.

Over the next 2 years, he worked as a floor man—sanding and refinishing floors, laying tiles and linoleum. This occupation allowed him the adventure of even flooring inside the Kennedy home while in Massachusetts. By 1950, he joined the U.S. Air Force Reserves and got recalled to active duty for Korea. Although Mr. Glenn never made it to Korea, he did get sent to Tooele, Greenland. His return to the States brought him from Wichita Falls, TX to Mobile, AL. From Mobile he was stationed at Nellis Air Force Base in Nevada for a short span of time where he purchased a home in Boulder City. Mr. Glenn's final military stop was at Rantoul Air Force Base just south of Chicago, IL, in 1960 where be finished his military journey and retired 4 years later in 1964.

From Rantoul, Mr. Glenn and his wife, Theo, returned to Boulder City where he has resided ever since. Having been a member of the American Legion for over 60 years and an active leader at the Boulder City's Post 31 since his time at Nellis Air Force Base has earned him the title "Mr. American Legion" by fellow members and friends. Mr. Glenn has served as post commander three times—something accomplished by only two other persons, and he served as district commander from 1991–92 where he oversaw 15 State posts and over 6,000 members.

Mr. Speaker, it is my honor to recognize Mr. Clayton Glenn today. His service and loyalty to the community, our country and our veterans has earned him many accolades. I wish him the best in all his future endeavors.

IN HONOR OF THE PANCYPRIAN ASSOCIATION OF AMERICA CHOIR AND ITS HONOREE, NIKOS MOUYIARIS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mrs. MALONEY. Mr. Speaker, I rise to honor the Pancyprian Association of America Choir and its 2006 honoree Nikos Mouyiaris.

The Pancyprian Association of America Choir makes a remarkable contribution to American culture by combining the best of Cypriot and American song and music. Their focus on Cypriot music helps keep the dynamic culture of their heritage alive in the United States. The choir provides its fans a rich education in the music of both cultures.

On November 4, the choir will be honoring my good friend, Nikos Mouyiaris. Nikos is an important, albeit unassuming, leader in the Hellenic-American community. He never seeks recognition for his actions, but he is unquestionably the one to go to get things done. If you need someone who will fight for human rights or help a student get an education, Nikos is the one to turn to. At a conference or gathering, Nikos will make his ideas and concerns heard, softly. Furthermore, because people know that Nikos is worth listening to, his thoughts often prompt people to take action. In short, Nikos is a man of deeds and vision.

Nikos Mouyiaris was born in Athienou, Cyprus where he attended elementary and high school. He went to England for a short time and then emigrated to the United States. In the United States he received his bachelor of science degree in chemistry and was awarded a scholarship to Rutgers University where he received his masters of science.

Since arriving in the United States, Nikos has achieved the American dream. Starting with $6,000 that he borrowed from his brother, Apostolos, Nikos created a successful business, Mana Products, that employs over 600 people. For nearly three decades, Mana Products has been an innovative participant in the beauty industry. Headquartered in New York, the company offers research, development, manufacturing and other operations. The company works with some of the most respected brands and professionals around the globe. In addition to his company, Nikos has interests in real estate as well as investments in other businesses.

Nikos has never forgotten the place of birth, Athienou in Cyprus, where he helps to support the local home for the elderly, and has helped build a day care center. He has also provided funding for an archaeological expedition in the area of Athienou, Cyprus for Davidson College of North Carolina for several years.

Nikos also works to promote Cypriot culture and human rights interests in the United States. As a member of the Board of Directors and Trustees of the Pancyprian Association of America, Nikos works to educate young Cypriot-Americans about the culture and ethnic customs of Cyprus and Greece, and to sponsor cultural events. He is a member of the International Coordinating Committee Justice for Cyprus, PSEKA, which seeks freedom and justice for the Cypriot people and promotes international human rights.

Nikos and his wife Carol, who is his partner in business as well as in their personal lives, have two children, Alexis and Ariana.

Mr. Speaker, I ask my colleagues to join me in saluting Nikos Mouyiaris, a true American hero and a remarkable member of the Hellenic-American community.

REMEMBERING BILLY EARL HIBBS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. HALL. Mr. Speaker, today it is my privilege to honor the life of a dear friend, Billy Earl Hibbs, who passed away earlier this year at the age of 67. Billy was a native Texan, born on September 25, 1938 in Quitman. He graduated from Quitman High School and married his high school sweetheart, Eugenia Stroud, in 1957. Eugenia and Billy had one child, Billy Earl Hibbs, Jr.

Starting with a small, three-person insurance agency, Billy grew his business into Heartland Security Insurance Group, one of the largest insurance holding companies in the Southwest. Heartland is one of the largest providers of claims services to the Federal Government, including all branches of the military as well as non-military personnel injured in Afghanistan and Iraq. Despite its size, Heartland maintains its Texas roots with its headquarters in Tyler and continues to serve almost half the school districts in Texas.

The Texas Legislature recognized Billy's accomplishments in 1981 for his success in handling the John Tyler High School fire loss. In 1990, he led the passage of a bond measure to provide upgrades to the city of Tyler's infrastructure. A patron of the arts, Billy served as president of the East Texas Symphony Association and worked to relocate performances to the Cowan Center at U.T. Tyler. Billy also served as president of the Tyler Civic Theatre where he oversaw construction of the Braithwaite Theater and the opening of the Rogers Children's Theatre. As president of the Tyler Rotary Club he became a Paul Harris Fellow. Billy was a member of the Henry Bell Masonic Lodge, and a founding board member of the Better Business Bureau of Central East Texas. He served as a board member for Leadership Tyler, the Tyler Independent School District Foundation, and the Tyler Chamber of Commerce and was a member of the Order of the Rose. He was a member of the Pairs and Parents Sunday School class, an usher, and a past trustee of Marvin United Methodist Church. Billy also remained active in the Independent Insurance Agents at local, State, and national levels throughout his life.

In 2004, Billy was inducted into the Junior Achievement "Business Hall of Fame," and made a member of the honor business fraternity, Beta Gamma Sigma, at the University of Texas at Tyler. In 2005, Hibbs-Hallmark & Company was honored with the Better Business Bureau's "Torch Award" for demonstrating a commendable ethical record over the years, and recently, the Tyler Rotary Club honored Hibbs by distinguishing all present and future donors of $1,000 as "Billy Hibbs Fellows."

Billy is survived by his loving wife of 48 years, Eugenia "Jeannie" Hibbs, his son Billy E. Hibbs, Jr., and daughter-in-law Tisa Weiss Hibbs, two grandchildren, Stratton Weiss Hibbs and London Elizabeth Hibbs, and two sisters, Dorma Shields and Betty Cassels of Quitman, as well as other relatives.

Billy was always generous with his time and leadership and he shared his many blessings with his community and his country. Mr. Speaker, Billy Hibbs was a valuable member of the community whose years of service will provide a legacy for many years to come.

EXPRESSING SENSE OF HOUSE REGARDING HIRING OF MEMBERS OF ARMED FORCES

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. REYES. Mr. Speaker, I would like to thank Chairman DUNCAN HUNTER for his leadership in introducing this legislation. I am a strong supporter of H. Res. 1070, expressing the sense of the House of Representatives that members of Congress should actively engage in hiring wounded military veterans.

Earlier this year the House Veterans Affairs Committee, of which I am a member, held a hearing for private sector representatives to discuss their initiatives aimed at hiring veterans of the U.S. Armed Forces. Although companies such as Home Depot, Exxon Mobile Corporation and R&L Carriers have initiated plans to increase the number of veterans, and specifically disabled veterans, other companies and the public sector can also improve their veterans hiring practices.

According to the U.S. Department of Labor, younger veterans have a significantly higher unemployment rate than those of the general population in the same age range. Mr. Speaker, I find this situation unacceptable and I believe most Americans would agree that our country should do more to assist these veterans in transitioning from active duty to the civilian workforce.

For that reason, I helped establish a "Veterans Opportunity Conference" in my Congressional district of El Paso, TX, earlier this year. This conference brought together members of the community, Federal and State agencies, and businesses to assist veterans seeking to start a business, learn about State and Federal programs, and inquire about employment opportunities. Having had a great response from our veteran community, I now plan on making this a yearly event and encourage all of my colleagues in Congress to do the same in their respective districts.

Furthermore, as a U.S. Army veteran, a strong advocate of hiring qualified veterans, and a member of Congress, I practice what I preach. I am proud to have five former servicemembers in my El Paso and Washington, DC, offices.

Mr. Speaker, our veterans deserve our utmost commitment to helping them succeed after their military service, and I encourage all of my colleagues to join me in voting for H. Res. 1070.

SAN JOAQUIN RESTORATION SETTLEMENT ACT

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. RADANOVICH. Mr. Speaker, today, I submit to the House bipartisan legislation, the "San Joaquin River Restoration Settlement Act," which implements an historic water settlement to resolve an 18-year lawsuit to restore a salmon fishery on the San Joaquin River.

The settlement legislation achieves two coequal goals: it restores the San Joaquin River and secures water management objectives to mitigate water losses to farmers in the restoration process. These two elements are crucial to the success the Act, and they are to be implemented in tandem.

The main reason I became involved in this issue last year was to ensure a stable water supply for Valley farmers. With that premise, the provisions in this measure were designed to make certain that water supply levels will remain manageable for farmers as the river is restored. It was also important to me that impacts to third parties, if any, be minimal and voluntary and the negotiators worked hard to create such language.

The landmark bill introduced today gives the people of our Valley a say in how the river is restored, as opposed to waiting for an uncertain outcome from the Federal court. This solution is science-based and included involvement from individuals throughout the Valley, the State and Federal agencies.

The significance of this bill cannot be understated. Over the past year and a half, countless hours have been spent in developing this measure, and I commend all those involved in this balanced resolution. I especially want to express my appreciation to the Friant Water Users Authority, Natural Resources Defense Council, Department of Interior, Department of Justice, the Department of Commerce and numerous third parties who were involved in the development of this bill.

I also thank Senator FEINSTEIN, who has introduced an identical bill in the Senate, for her steadfast commitment to this measure along with the members of the Valley delegation.

I'm dedicated to the passage of this measure in Congress and will work toward that end until it is signed into law.

ON THE INTERNATIONAL SYMPOSIUM ON DEMOCRACY AND CONGRESS IN TAIPEI, TAIWAN

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. KENNEDY of Rhode Island. Mr. Speaker, this weekend, on December 8 and 9 in Taiwan, there will be an important gathering of legislators from Pacific Rim nations to discuss the role of congresses or legislatures in the growing number of democracies developing across Asia.

The meeting has been convened by the Pacific Congressional Caucus, an arm of the Democratic Pacific Union, DPU, a regional organization of Pacific Rim democracies.

Legislative leaders from 20 nations, including Canada, Australia, New Zealand, Korea, Mexico, El Salvador, Honduras, Nicaragua, the Philippines, and the host Taiwan are expected to participate. It is unfortunate that, because of our legislative schedule, no member of this House or of the other body are able to attend.

However, Mr. Speaker, I did want to take note of this important meeting that will focus on the role of Congress in the various democratic governing models, such as the parliamentary system and the presidential system. Another important set of discussions will focus on the issue of legislative elections in various democracies, how they are conducted, and how they are financed.

I congratulate Taiwan's political leaders who were instrumental in creating the DPU and the Pacific Congressional Caucus. Taiwan's Vice President Annette Lu was the prime mover in bringing the DPU into existence and the Speaker of Taiwan's Legislative Yuan, Wang Jin-Pyng, was instrumental in establishing the Pacific Congressional Caucus and in organizing such meetings as the one this weekend.

This effort in Taiwan has been truly bipartisan, with Vice President Lu a member of the ruling Democratic Progressive Party, and Speaker Wang a key leader of the Nationalist Party, known as the KMT.

Because Taiwan is one of Asia's most dynamic democracies, it is fitting that Taiwan has been instrumental in forming the DPU and the Caucus and in organizing this symposium. I congratulate Taiwan and wish all the participants a rewarding series of meetings.

RECOGNIZING ALABAMA STATE REPRESENTATIVE F.P. ''SKIPPY'' WHITE FOR OVER THREE DECADES OF PUBLIC SERVICE

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise today to recognize Alabama State Representative F.P. ''Skippy'' White for his dedicated, faithful public service to the citizens of Baldwin and Escambia Counties.

Representative White has been a tremendous advocate for all of south Alabama for over three decades. He began his public service career as a councilman for the city of Pollard, AL, and served for 7 years. In 1982, he was elected to the Alabama House of Representatives and served in that capacity for 24 years.

During his career in the Alabama State Legislature, Representative White worked tirelessly on behalf of south Alabama. He was distinguished as an outstanding legislator and served on the House Rules Committee.

Mr. Speaker, the faithful service of outstanding Americans like Skippy White has aided in an immeasurable way to the well being of our community. I would like to offer my congratulations for his many personal and professional achievements. I know his wife, Clara; his children, Todd, Hugh, and Sarah Anne; and his family and many friends join with me in praising his accomplishments and extending thanks for his many efforts on behalf of south Alabama.

PAYING TRIBUTE TO WALTER CASEY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Mr. Walter Casey for his numerous contributions to his community.

Walter moved to Las Vegas, NV in 1951 under the advice of his doctor. He started out working for a maintenance company and eventually started a water conditioning and purification company called Walt Casey Water Conditioning and later Walt Casey's Culligan in the 1950s. Walt Casey's Culligan is now known as the largest water conditioning company in the state.

Walter also dedicated his life to enriching the lives of others in the community. He was a founding board member of the Boys & Girls Club of Las Vegas and served as the vice chairman of the Colorado River Commission. According to his son, Walter's optimism helped him to devote his time and effort to developing promising ideas into large successes.

November 30, 2006, just 2 days after Walter and his wife, Peggy, celebrated their 60th wedding anniversary, Walter passed away from a heart attack. He was 88 years old.

Mr. Speaker, it is with great honor that I recognize Mr. Walter Casey for his outstanding efforts to improve the state of Nevada. He will be greatly missed by the entire community.

IN RECOGNITION OF THE CHIAN FEDERATION AND ADAMANTIOS (DIMIS) TH. VASSILAKIS PERMANENT REPRESENTATIVE OF GREECE TO THE UNITED NATIONS, RECIPIENT OF THE 29TH ANNUAL HOMERIC AWARD

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to the Chian Federation, which is presenting its 29th annual Homeric Award to Adamantios (Dimis) Th. Vassilakis, Permanent Representative of Greece to the United Nations. Their gala event has been organized under the leadership of the Chian Federation's President, George Almiroudis, and the Event Chair, who is also First Vice President of the Chian Federation, Alexandros Doulis.

The Chian Federation was founded in 1974. Since then it has educated and empowered the Hellenic American community to exercise their rights and fulfill their obligations as American citizens. The Chian Federation has a strong record of advocating human rights and striving to promote democratic ideals. In addition to its political objectives, the organization sponsors a dance group; cultural events; a Web site; a magazine; business card exchanges; food, clothing and toy drives; a Senior Citizens' breakfast; and lectures on topics ranging from archaeology to health care.

The Federation's accomplishments extend beyond the borders of the United States. On Chios, the Chian Federation has financially aided nursing homes, environmental groups for reforestation of the island, the Korais Library and the Office of the Repatriated Chians Organization, in addition to making substantial donations to the educational and health systems of Chios.

The Chian Federation established the Homeric Award in 1977, with the idea of recognizing individuals who have made exceptional contributions to the Hellenic community. Ambassador Vassilakis earned this honor through his outstanding service to Greece as a diplomat, and as a friend to the Hellenic community in New York.

Ambassador Vassilakis was born on the island of Chios on June 13, 1942, where he grew up and received his basic education, graduating from the Commercial High School of Chios. He then attended the Free University of Brussels, Belgium earning a Licence in Political and Diplomatic Sciences.

Mr. Vassilakis entered the Ministry of Foreign Affairs in 1972 as Embassy Attaché, and was appointed Third Secretary of Embassy at the Greek Embassy in Tirana, Albania in 1975. In 1977, he moved to the Foreign Ministry's First Department of Political Affairs, he was Head of Section for the U.S.S.R. and Eastern Europe. He served as a member of various Greek delegations visiting Eastern European countries and was a participant in the North Atlantic Treaty Organization (NATO) and Common Market political experts meetings.

In 1985, Mr. Vassilakis was made Consul General of Greece in San Francisco, California, where he was promoted to First Counsellor of Embassy. In 1989, he was appointed Head of Section for Bilateral Greek-United States, Iranian, Turkish and Arab Countries in the Foreign Ministry's Department of Bilateral Economic Relations. In 1990, Mr. Vassilakis entered the Department of European Community Affairs. In 1991, he was named Deputy Permanent Representative in the Permanent Mission of Greece to the United Nations, and in 1994, he became Chargé d'Affaires. In 1998, he was promoted to Minister Plenipotentiary (1st class). From 1999, Mr. Vassilakis served as Director General for European Affairs and Director of the Centre for Analysis and Planning in Greece's Ministry of Foreign Affairs. In 2002, he was appointed to his present position.

Ambassador Vassilakis is married to Fay Malouf-Vassilakis and they have two children, Theodore and Athena.

Mr. Speaker, I ask my colleagues to join me in recognizing the Chian Federation and its honoree, the Honorable Adamantios (Dimis) Th. Vassilakis.

TRIBUTE TO JERRIS LEONARD, A GREAT AMERICAN

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. HALL. Mr. Speaker, I am honored today to pay tribute to a great American, outstanding public servant, and an esteemed colleague and good friend, the Honorable Jerris Leonard, whose sudden passing on July 27, 2006,

was mourned by his family and countless friends whose lives he touched. Jerris's life was devoted to God, family, country, and his fellow man, and he leaves a legacy of integrity and service that will long be remembered and appreciated.

Jerris received his undergraduate and law degrees from Marquette University, where he was president of the Marquette student body and was elected to Alpha Sigma Nu, the National Jesuit Honor Society. Following graduation from Marquette University Law School in 1955, Jerris began his career in Wisconsin. He was elected to the Wisconsin Assembly in 1956, representing the North Shore suburbs of Milwaukee. In 1960 he was elected to the state Senate and became Senate majority leader in 1967. In 1968 he was the Republican nominee for the U.S. Senate, but lost to incumbent Senator Gaylord Nelson.

In 1969 Jerris moved his family to Washington, DC, when he was appointed by President Nixon and confirmed by the U.S. Senate as Assistant Attorney General for Civil Rights. He served in that capacity until 1971, when President Nixon appointed him the first Administrator of the Law Enforcement Assistance Administration, a position he held for the next 2 years. Jerris remained in Washington, where he has been actively engaged in the practice of law and advocacy. Most recently, in 2005, he launched The Leonard Group to focus on legislative and lobbying activities. He also served on the Bush-Cheney Transition Department of Justice Advisory Committee, which helped the Administration find key candidates for the agency.

In recognition of his considerable accomplishments, Jerris was the recipient of the Lifetime Achievement Award from Marquette University Law School in 2000. In 1969 he received the Belle Case Lafollette Outstanding Professional Award from the Wisconsin Law Foundation. He is the author of numerous articles and was frequently invited to speak to groups throughout the United States.

Jerris was one of the original true conservatives, who championed core conservative values throughout his career and through his service in various organizations, such as Free Congress. His intellect and experience were invaluable to advancing the conservative agenda, and his engaging personality and enthusiasm for policy and politics were contagious. Jerris was a true statesman who made friends on both sides of the political aisle.

His friendships extended well beyond the realm of politics and career, however. He made friends in all walks of life. ''He treated everyone the same, and that is what I think made him special,'' said his daughter Kate Leonard. On the day he was to be sworn in by President Nixon as an assistant attorney general, Jerris gathered his children and instructed them that they were going to meet the President, but they were to remember that the man who parks the car is just as important and just as deserving of respect.

Jerris was devoted to his wife, Mariellen, to whom he was married for 52 years, and to his family. He took an active interest in the lives of his six children and attended countless sports events and other activities in which they were involved. In addition to Mariellen, he is survived by his children, Mary Leonard Ralston and husband David, Gib Leonard and wife Joni, John Leonard and wife Jeannine, Kathleen (Kate) Leonard, Francis Leonard and wife Kelly, and Daniel Leonard and wife Kelly, 16 grandchildren, and four great-grandchildren. He was greatly loved.

Mr. Speaker, many of our colleagues in the House of Representatives knew and admired Jerris Leonard. I valued his friendship and advice, as did so many others, and we will greatly miss him. It is impossible to fully grasp the breadth and depth of a life of someone like Jerris, who gave every project or responsibility his very best effort and who lived his life with boundless enthusiasm and compassion. He was a role model and mentor to so many, and he leaves a powerful legacy that will last for generations to come. As we adjourn today, let us do so in tribute to this great American, dedicated public servant, and truly great man—Jerris Leonard.

HONORING THE RETIREMENT OF MIAMI COUNTY COMMISSIONER ANN BAIRD

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. BOEHNER. Mr. Speaker, I rise to recognize the retirement of Mrs. Ann Baird, County Commissioner of Miami County, OH, and to express my appreciation for her dedication and commitment to public service. For more than 40 years, Mrs. Baird has contributed her talents to the betterment of Miami County, and for this, I offer her my utmost congratulations and thanks.

Her love of Miami County is unmistakable. During her long career in public service, Mrs. Baird has served on countless community boards and organizations in various roles including: Director of Community Services at Upper Valley Medical Center, Past President of the Miami County Chapter for the American Cancer Society, Past President of the United Methodist Women, Past President of the Troy United Fund, member of the Edison Community College Board of Trustees, and of course serving as the first female Miami County Commissioner for the past 12 years.

Mrs. Baird's record—as an elected official, a church leader, and as a good neighbor helping those in need—will leave an enduring legacy in Miami County. Her leadership will be missed, but the footprint she has left will inspire many to emulate her good works.

Mrs. Baird, I offer my congratulations and gratitude for your long and successful career in public service. I wish you well in your future retirement, and I hope you continue to achieve happiness and success wherever your life journey may lead you.

SAVING ENERGY THROUGH RECYCLING

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. BARTON of Texas. Mr. Speaker, I rise today to call attention to the energy security issues we face and to highlight the important role renewable energy plays in producing reliable electricity and curbing demand for power transmission equipment. Given this importance, we must continue to support initiatives to improve transmission, increase generation nationally and encourage renewable energy and conservation.

Effective renewable energy policy must include the significant invested energy available through greater recycling. Manufacturing recycled products requires, on average, 17 times less energy than manufacturing the same products from virgin materials. In addition to the traditionally understood benefits of recycling as a conservation and waste management tool, recycling is becoming increasingly understood as an energy source available to combat the Nation's growing energy crisis.

For example, recycling aluminum cans saves 95 percent of the energy required to make the same amount of aluminum from its virgin source. The amount of lost energy from throwing away aluminum and steel cans, plastic PET and glass containers, newsprint and corrugated packaging was equivalent to the annual output of 15 medium sized coal power plants. Increasing the recycling rate of these commodities by 10 percent would save enough energy annually to heat 74,350 million American homes, provide the required electricity for 2.5 million Americans, and save about $771 million in avoid costs for barrels of crude oil. As a result, recycling should be an integral component of our Nation's energy efficiency strategy.

The Federal Energy Policy Act of 2005 acknowledged the high invested energy content of recyclables. Section 1353 mandated the U.S. Secretary of the Treasury, in consultation with the Secretary of Energy, to conduct a study to determine and quantify the energy savings achieved through the recycling of glass, paper, plastic, steel, aluminum, and electronic devices, and to identify tax incentives that would encourage recycling of such materials. As chairman of the House Energy and Commerce Committee, I was deeply involved in the creation of this legislation, which I am proud to say was achieved with strong bipartisan participation and support.

The Environmental Protection Agency has shown that recycling saves billions in energy costs and hundreds of millions of tons of raw materials. American companies that engage in the use of renewable resources and recyclable materials are already contributing countless billions of dollars per year to our Nation's energy grid. These companies are engaging in practices that are environmentally friendly and energy conservative.

By harvesting the invested energy in recycling, this country saves tens of millions of tons of ore, coal, trees and billions of dollars in energy costs. Recycling programs offer a means to conserve natural resources, ease the burden on the grid, reduce excessive municipal waste, protect the environment, create jobs, and save energy.

Like the energy drawn from wind or from water behind a dam, recyclable materials contain a vast amount of energy that is available to be harvested. Recyclables possess invested energy, and in order to remain competitive, we must focus on capturing the energy that is already invested in recycling. Through recognition of these policy objectives, we will create the most efficient market-based solutions to ensure a safe, abundant, and stable energy supply to our citizens for years to come.

TRIBUTE TO CONGRESSMAN JIM DAVIS, CONGRESSMAN CLAY SHAW, CONGRESSMAN MICHAEL BILIRAKIS AND CONGRESSWOMAN KATHERINE HARRIS

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. MEEK of Florida. Mr. Speaker, as the 109th Congress comes to an end, I rise to honor the Congressional service of four outstanding members of our Florida Congressional Delegation; JIM DAVIS, CLAY SHAW, MICHAEL BILIRAKIS and KATHERINE HARRIS.

Together, these outstanding Members have decades of experience in public service and have worked on a broad range of issues of lasting importance to the great State of Florida.

I believe that public service is a truly a noble calling. Any person who assumes the challenges and responsibilities associated with this profession, and who makes the sacrifices necessary to achieve the success of these Members of Congress, merits the respect of our nation, and our thanks.

Legislating in the Congress requires men and women who are masters of the traditional skills of American government—compromise, negotiation and bargaining. While we may disagree at times on policy and share different political philosophies, our objective should always be to serve the best interests of our constituents, our state and our nation.

It is part of the genius of American government that the institution of Congress continues on and is not dependent on any particular individuals. Still, there is no doubt that the quality of people elected to Congress has a lot to do with the kinds and quality of legislation that becomes law. Each of these Members has, in his or her own way, left their mark on our laws and our nation.

I am therefore proud to join with my colleagues in the Florida Delegation and, indeed, the entire Congress, in thanking you all for your service and wishing you much happiness and success in all your future endeavors.

HONORING LARRY STEWART

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. GRAVES. Mr. Speaker, I would like to take this opportunity to speak about a very special Missourian.

Larry Stewart has spent the past 27 years selflessly giving to the people of Kansas City. Mr. Stewart is a kind-hearted businessman from Lee's Summit, Missouri, and until recently, was known to many only as the ''Secret Santa.'' Every December since 1979, Mr. Stewart has wandered the streets of Kansas City quietly searching for people in need, and handing them $100 bills.

This honorable tradition began with a generous tip to a stranger. Mr. Stewart had just been fired from his job, the week before Christmas, and drove to a drive-in restaurant to cheer himself up. As soon as he saw what the $20 bill he had handed the waitress meant to her, he withdrew $200 from his bank account and drove around looking for people who seemed like they could use a lift. He has been handing out cash to people in need every December since. This year, with the help of a few special elves and four specially trained Secret Santas, he will hand out $165,000.

Unfortunately, Mr. Stewart will also be spending this December fighting his esophageal cancer. Mr. Speaker, I ask my colleagues to keep Mr. Stewart in their thoughts, and use him as an example of kindness and generosity this holiday season.

TRIBUTE TO CONGRESSMAN JIM RYUN

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. TIAHRT. Mr. Speaker of the many friends and colleagues, who will not be returning for the 110th Congress, I am especially disappointed that my fellow Kansan JIM RYUN is one of them.

It was at an event in Wichita, where I first encouraged JIM to run for Congress. Most Kansans knew JIM as the world record holder in the mile run and as an American Olympic hero. I knew him as a loving father and family man and someone who cares deeply about his country.

JIM RYUN won a hard fought battle in 1996 and served honorably in this House for five terms. He was an effective legislator and tough advocate for the constituents of the Second District of Kansas. You only need to look as far as Fort Riley and Fort Leavenworth to see the results of Congressman RYUN's efforts. They not only survived the BRAC process, both installations have expanded missions and are well positioned for the future.

JIM RYUN not only stood strong for the men and women of the military, he has been a tireless fighter for the issues that are of greatest importance to his constituents. JIM RYUN is a budget hawk, defender of life and someone on whom you can always rely. He is a man of integrity and has already left an indelible mark on Kansas, our country and the world. He will be sorely missed.

HONORING ARKEMA INC., AXIS PLANT ON ITS 25TH ANNIVERSARY

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. BONNER. Mr. Speaker, I rise today to pay tribute to Arkema Inc., Axis Plant on the completion of their 25th year.

For the past 25 years, the Axis plant has been an economically vital contributor to both the town of Axis and the State of Alabama. The plant began operations in 1981 as M&T Chemicals, producing inorganic and organic tin compounds. After numerous expansions over the years, the plant was purchased in 2004 by Arkema Inc., a global leader in the chemical production industry.

Since its inception, Arkema has earned a very respectable reputation as a world class chemicals producer. They have amassed nearly $7.3 billion in revenue and have over 18,400 employees in 40 different countries. With such immense size and diversity, Arkema Inc. brings countless opportunities to the people of the First Congressional District.

In particular, the Axis plant specializes in producing a wide variety of chemical additives, such as heat stabilizers and impact modifiers. Heat stabilizers are compounds added to PVC to slow color development during processing and extend the life of a product. Impact modifiers are added to PVC to make it less brittle and to increase its strength. These products are used in everyday items such as hair dryers, plastic piping, and vinyl siding.

Mr. Speaker, it is my great honor to recognize the administration and staff of the Arkema Inc., Axis Plant and their continuing leadership in the chemical production industry. It is my sincere hope that they will continue to set highly commendable examples for others in their industry, and I rise today to recognize and thank Arkema Inc., Axis Plant for its contributions to the local economy and to the quality of life enjoyed in the State of Alabama.

HONORING FEDERAL JUDGE PAUL BROWN

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. HALL. Mr. Speaker, I am honored to pay tribute to one of the outstanding Federal judges in our Nation, U.S. District Judge Paul Brown, who is retiring after 21 years of distinguished service on the bench in the Eastern District of Texas. Judge Brown has been my good friend for many years, and he is a respected and beloved Judge and member of the community in Sherman, Texas.

Judge Brown represents the finest qualities of jurisprudence. Hanging on his wall in the Sherman Federal Courthouse are Socrates' four qualities for a good judge—to hear courteously, to answer wisely, to consider soberly, and to decide impartially. Judge Brown embodied all of these qualities, and he dispensed justice accordingly. He was highly regarded, well-respected, and was a role model for many.

Paul Brown was the youngest of a family of six raised on a farm near Pottsboro, TX. He graduated from Denison High School and although underage, he got his parents' consent to join the U.S. Navy when World War II broke out. He served as a minesweeper in both the Atlantic and Pacific theaters and as a part of the occupation forces in Japan. He was discharged as an Electrician's Mate 2nd Class in June, 1946.

He returned to his studies and received a law degree in 1950 from The University of Texas before being recalled to active duty in the Korean War. He saw combat aboard a minesweeper which was sunk by mines, and he received an honorable discharge in December of 1951.

Judge began his practice of law following the war and following President Dwight Eisenhower's election, he went to work as an assistant U.S. Attorney in Texarkana under U.S. Attorney William Steger, who would become his mentor, good friend, and fellow colleague

on the bench in the Eastern District until Judge Steger's passing this year. He served as Assistant U.S. Attorney from 1953 to 1959, then followed in Judge Steger's footsteps as U.S. District Attorney from 1959 to 1961.

While in Texarkana, Judge Brown met and married Frances Morehead, and the two returned home to Sherman, where Judge Brown practiced law for a number of years. In 1985 Senator Phil Graham recommended him to President Ronald Reagan for a new judge's position created for the Eastern District of Texas, and Judge Brown was confirmed that year. He held court in Beaumont, Paris, Sherman, and Texarkana, and as the caseload in Sherman grew, he eventually presided over the Sherman courthouse exclusively.

Premiere cases over the years included intellectual property, patent cases, and criminal cases precipitated by the bank and savings and loan failures of the 1980s and 1990s. In recent years he noted the increase in drug cases and expressed his regret that, in spite of all the efforts that have been made to prosecute drug dealers, the nation is not making much progress in curtailing the use of drugs. No matter what type of cases came before him, Judge Brown always enjoyed the work and ran an efficient and orderly courtroom. His personal work ethic and judicial integrity have been remarkable, and his reputation for punctuality has been legendary.

At his retirement reception, hundreds of local attorneys, area judges and friends and family paid tribute to Judge Brown. The Eastern District Chief Judge, Thad Heartfield, speaking for the fifteen judges on their court, has recommended that Congress name the U.S. District Courthouse in Sherman the "Paul Brown U.S. Courthouse." Judge Heartfield noted that Judge Brown has demonstrated the finest qualities of a U.S. district judge: knowledge of the law, courtesy, patience, wisdom and compassion. It will be my pleasure to introduce legislation to that end.

As we near adjournment of the 109th Congress, I ask my colleagues to join me in celebrating the life of a great American, outstanding public servant, and respected jurist, the Honorable Paul Brown, U.S. District Judge for the Eastern District of Texas.

COMMENDING NATALIE WILSON CRAWFORD

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Ms. HARMAN. Mr. Speaker, although women have climbed to the highest reaches of outer space, the number of women who have risen to positions of prominence within the U.S. aerospace industry can be counted on one hand. I am therefore particularly proud to commend a fellow Californian, Mrs. Natalie Wilson Crawford, for her four decades of service promoting the security of the American people through her work at the Santa Monica headquarters of RAND. In 1964, Mrs. Crawford became a member of the professional staff of the RAND Corporation, an internationally known and highly respected think tank, and has since held a broad range of research-related senior management positions.

For the past nine years, Mrs. Crawford has been a Vice President of RAND and the Director of Project AIR FORCE, RAND's first research division founded in 1946 under the name of Project RAND. For 60 years, Project AIR FORCE has been the Air Force's only federally funded center for studies and analyses; and it has provided independent, objective research on a full range of issues critical to national defense.

Mrs. Crawford's international reputation as an expert on air and space power made her especially well suited for this role. During her tenure, she worked closely with senior leaders of the Air Force to build a powerful research agenda in areas such as geopolitical strategy, aerospace force development, resource management, and manpower.

The Air Force has formally honored Mrs. Crawford many times. She has twice been awarded the Air Force's Decoration for Exceptional Civilian Service. In 2003, she received both the Lifetime Achievement Award from the Air Force Analytic Community and the Lieutenant General Glenn Kent Leadership Award. She has also been the Department of the Air Force's Woman of the Year. Today, the members of the United States House of Representatives have the opportunity to add our expression of appreciation for her loyal and dedicated service.

In October, Mrs. Crawford stepped down from her administrative roles in Project AIR FORCE. However, she will continue to act as a senior advisor to RAND's chief executive officer and she will be a senior mentor to the USAF Scientific Advisory Board, a group with which she has been affiliated since 1988.

I thank Natalie Crawford for all that she has done to ensure the safety and security of the United States, and I wish her every success in her future endeavors.

RECOGNIZING MR. G. FRED SCHUTZ FOR HIS TREMENDOUS LEADERSHIP

HON. JOHN R. "RANDY" KUHL, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. KUHL. Mr. Speaker, I rise today to thank a tireless and unselfish community leader from my congressional district, Mr. G. Fred Schutz.

Born in Buffalo, New York, in 1928, Fred joined the U.S. Naval Reserve at the age of 19, and then transferred to the U.S. Air Force for 8 years during the Korean conflict. In 1988, Fred ended his military career with the U.S. Army reserve-retiring as a command Sergeant Major of the 98th division. During his 22 years of service, he received 9 personal medals and 21 service awards.

After active duty, Fred returned to Canandaigua, New York to work for the Penn Central Transportation Company and later became a small business owner. Fred has been a dedicated leader, being instrumental in many crucial projects including: the founding of a downtown park—The Commons, and the revitalization of Phoenix Street.

He has also organized the Memorial Day parade for as long as anyone can remember and, for the past five years, has led the 9/11 (patriot day) ceremonies. Fred has worked tirelessly to retain the VA medical facility in Canandaigua; he has fought to establish a museum for military art and has lobbied for a ship to be named after the city of Canandaigua. Fred continues to provide sage advice and economic assistance to veterans who are seeking records, medical treatment, and transportation or lodging.

For a number of years, Fred has served a free Thanksgiving turkey dinner for homeless or needy veterans in the area. His concern for others is evident in his employment of handicapped and older veterans and his enthusiastic fundraising for camp good days and special times, the Make a Wish Foundation, and a church summer carnival.

Fred has also volunteered as a fireman for 20 years. He has been an American Legion member for 53 years, having served as a post, county and district commander and has served on numerous committees on the local, state and national level. Fred was a financial contributor to the Vietnam moving wall in 1999 and instrumental in organizing the ceremonies commemorating the 50th anniversary of the Korean war.

He was named Seventh District Legionnaire of the Year in 2003 and Seventh District Humanitarian of the year in 2005. The city of Canandaigua named him volunteer of the year in 2006 and recently named a day in his honor.

Again, I thank Fred for his tremendous contributions, and I look forward to continue working with Fred to help those in need and do what is best for our community.

IN HONOR OF THE INAUGURATION OF THE DEMOCRATIC PACIFIC UNION (DPU)

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. SESSIONS. Mr. Speaker, I rise today to congratulate the members of the Democratic Pacific Union. On the 60th anniversary of the end of World War II (August 14, 2005), the Democratic Pacific Union (DPU) was formally inaugurated in Taipei, Taiwan. The ceremony drew 76 dignitaries from 23 countries, including the presidents and vice presidents of Taiwan, Costa Rica, Guatemala, Nicaragua and Palau. The Union's goal is to promote democracy and encourage contacts among its 28 member democracies. Taiwan Vice President Lu Hsiu-lien was elected Chair of the Union.

Since its inception, the Union has established a Secretariat and published its first quarterly, planned regular regional meetings in the East and the West Pacific regions, initiated the Pacific Economic Advisory Group and the Pacific Congressional Caucus, and additionally established a training program for typhoon and flood disaster reduction. The DPU has offered scholarships to students of member states to study in Taiwan, planned a Pacific university network in Taiwan, and invited distinguished women to come to Taiwan to discuss women's issues in the Pacific region. Other initiatives have been introduced to promote democratic values and prosperity among member states.

There is little question that the Democratic Pacific Union has achieved a great deal during its short history. Its goals of promoting and spreading democracy are laudable and complement with our values. We should encourage the leaders of the Democratic Pacific

Union by endorsing their goals and objectives as well as learning from them. I am certain that the Union will attract more members and win even greater international recognition in the months and years ahead.

IN HONOR OF ROCKFORD, IL, BURPEE MUSEUM FOR RECEIVING TWO AMERICAN ASSOCIATION OF MUSEUM AWARDS

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. MANZULLO. Mr. Speaker, I rise today to recognize the Burpee Museum of Natural History in Rockford, IL. The Burpee museum is a remarkable cultural institution that has received two prestigious American Association of Museum-AAM-Awards. Both of these awards are for the Jane: Diary of a Dinosaur exhibit at the museum, which opened to outstanding reviews in June 2005.

The museum submitted entries in two categories: Overall Exhibit Excellence and the MUSE Award for the use of media and technology in the Jane exhibit. Burpee received the Exhibit Excellence Award, which is considered the museum profession's highest honor. It also received an Honorable Mention MUSE award for Jane's interactive Meet the Researcher video.

Lew Crampton, Burpee president and CEO, accepted the awards at the AAM's 100th International Conference in Boston in the company of 7,000 other museum profession delegates from around the world. Judges who presented the awards to Mr. Crampton praised Burpee, stating the "whole project was so solid . . . and you just did everything right . . . your work could and should serve as a model to other institutions (including much larger ones) as a way to create an excellent exhibit."

Jane's exhibit is a reflection of the dedication and professional excellence that is demonstrated by the personnel at Burpee. Burpee's personnel overcame three daunting tasks in order to successfully create the exhibit. First, after transporting Jane from Montana to the museum lab, Jane's 66 million-year-old bones were carefully removed from the rocks in which they were embedded. Second, identifying Jane's place in the dinosaur family tree presented a unique challenge because many scientists consulted in the process disagreed on this matter. Finally, in the midst of the first two tasks, Burpee's personnel had to consider how to create an exhibit that would be able to bridge the gap between science education and family enjoyment.

Mr. Speaker, I wish to extend my recognition and support of the Burpee Museum of Natural History in Rockford, IL. Since its founding in May of 1942 as a part of the Works Progress Administration, the mission of Burpee has been to inspire all people to engage in a lifetime of learning about the natural world, and they have been very successful in doing so. To this day, Burpee reaches out to the public through its creative event programming and excellent education offerings for educators, families, and other members of the local community. Burpee is a prime example for other cultural institutions across the country, and I am honored to recognize the museum and its personnel here today.

HONORING PRESIDENT WILSON ON THE 150TH ANNIVERSARY OF HIS BIRTH

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. HOLT. Mr. Speaker, December 28 will mark the 150 anniversary of the birth of our 28th president, Woodrow Wilson. Throughout 2006, a number of organizations—including the Woodrow Wilson House, the Boyhood Home of President Woodrow Wilson, the Woodrow Wilson Family Home, Princeton University, and the Woodrow Wilson Presidential Library—have held multiple public events to commemorate the life and work of President Wilson. Today, along with my colleague, Mr. GOODLATTE, I'm pleased to offer a resolution both recognizing the 150th anniversary of President Wilson's birth and the contributions of the many organizations that have made this sesquicentennial successful. It also affords us a moment to reflect on how important Woodrow Wilson's legacy is for the United States.

President Wilson lived to see three major wars in his lifetime, each of which reshaped America's role in the world: the Civil War, the Spanish-American War, and World War I. In the wake of the First World War, President Wilson had the vision to understand that if America was going to prosper in the 20th century, it needed to be a part of the world, not separated from it. That vision was encapsulated in the last of his famous "14 points" in his January 8, 1918 address to a joint session of Congress:

> XIV. A general association of nations must be formed under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small states alike.

Wilson sought to create a just peace for the defeated Triple Alliance powers and a secure world for all nations. He understood both the value and need for collective security, and above all the moral imperative underlying it, as he revealed in his 1918 State of the Union speech:

> We have spoken now, surely, in terms too concrete to admit of any further doubt or question. An evident principle runs through the whole program I have outlined. It is the principle of justice to all peoples and nationalities, and their right to live on equal terms of liberty and safety with one another, whether they be strong or weak. Unless this principle [can] be made its foundation, no part of the structure of international justice can stand.

Wilson's vision for America's role abroad—U.S. participation and leadership in the League of Nations—was ultimately undone by his lack of vision in dealing with a Senate that his party no longer controlled and by some flaws in the design of the League. Then-Senate Majority Leader Henry Cabot Lodge was skeptical of the value of the League and wary of the risks of committing America to a permanent, high-profile role in international affairs. The personal animosity between the two men undoubtedly contributed to Lodge's opposition to ratification of the League treaty. The intransigence of both men doomed the League treaty's chances in the Senate.

Today, there is little debate among historians about the consequences. Had Wilson and Lodge been able to set aside their differences and ensure Senate passage of the treaty, America's membership in the League might well have moved the body to take far more decisive action against the fascist dictatorships that emerged in Germany, Italy, and Japan in the 1920s and 1930s, perhaps preventing the Second World War. Other presidents since have relearned the lesson that unless the Congress—the representatives of the people—are true partners in America's foreign policy initiatives, the results are usually tragic. Such was the case in Vietnam, and it is the case in Iraq today.

History ultimately validated Wilson's vision for America's role in the world, and his dream of an international body designed to mediate conflicts between nations did become a reality in the form of the United Nations. Wilson was an innovator in international affairs, and we need to recapture his spirit of innovation and inclusiveness if we are to meet both the threats and the opportunities that lie before us. I want to once again thank all of the fine organizations involved with the Wilson sesquicentennial celebrations for reminding us all what President Wilson has bequeathed to our Nation and the world.

HONORING THE CONTRIBUTIONS OF JACQUE MUTHER

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. LEWIS of Georgia. Mr. Speaker, today I rise to honor and congratulate Jacque Muther—a true champion in building and sustaining HIV/AIDS care and treatment services in Atlanta—on her tenure as a member of the Board of Directors and Treasurer of the Communities Advocating Emergency AIDS Relief Coalition. CAEAR Coalition is a leading national voice for the treatment and care needs of people living with HIV/AIDS and Ms. Muther has served on its Board of Directors for 12 years, including eight as treasurer. She will leave the board at the end of this year and I take this opportunity to acknowledge her service at the local and the national levels.

Ms. Muther's commitment to the care and treatment of people living with HIV/AIDS goes back almost to the beginning of the epidemic. Since the mid 1980s, she has worked at the Grady Health System Infectious Disease Program—a program that now serves over 4,500 indigent people living with HIV/AIDS. She also served as Chair of Atlanta's Ryan White Title I Planning Council and as a member of the Georgia ADAP Task Force, which focuses on increasing state contributions to the AIDS Drug Assistance Program. She also serves as Treasurer of HIVDent and is a member of the Board of Directors of Atlanta's AIDS Survival Project.

This impressive list of contributions does not fully capture Ms. Muther's important role in our community, nor her effectiveness as an advocate for high quality HIV/AIDS care for all who

need it. Her service and advocacy are rooted deeply in her strong sense of justice and wherever she goes she is a compassionate and effective voice for the urgent need for the nation to redouble its commitment to HIV/AIDS.

I know well the power of her work in Atlanta and here on Capitol Hill where she is a highly regarded expert. She has the ability to help members and staff alike understand the needs on the frontlines and what we, in turn, must do to respond to those needs.

I rise to honor Ms. Muther's contributions and to express my gratitude that she continues on in service to this vital cause.

HONORING THE MEMORY OF MR. HOOPER MATTHEWS, JR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. BONNER. Mr. Speaker, Escambia County and indeed the entire state of Alabama recently lost a dear friend, and I rise today to honor him and pay tribute to his memory. Mr. Hooper Matthews, Jr., known as "Big Hoop" to his children and grandchildren, was a devoted family man and dedicated community leader throughout his life.

Hooper was born in Nashville but made his way to Atmore, Alabama, in 1948. He was a graduate of the University of Georgia where he earned a degree in Forestry, which he used while managing his family timberlands as a registered forester. He also owned the Pepsi-Cola Bottling Co. of Atmore and South Alabama Vending Company. He was awarded the Atmore Area Chamber of Commerce's lifetime achievement award in 2005.

Hooper was a strong believer in the future of Atmore. His work as president of the A.C. Moore Elementary PTA as well as his work on the board of directors of Escambia Academy exemplified his vision for creating a strong foundation in the community's children.

He also supported programs such as Read America, the Huxford Elementary School Reading Initiative, scouting events, the YMCA, and drug and alcohol education, to name just a few of his many pet projects.

Not only did Hooper give back to Atmore through his work with children, but he contributed in more ways than most people might realize to Atmore's economic viability through his business ventures.

His work with the Atmore Chamber of Commerce, where he served as a past president, brought Masland Carpets to the area and raised funds for Atmore schools as well as The American Cancer Society, The American Heart Association, Williams Station Day, Mayfest, and the Poarch Band of Creek Indians.

Even with his numerous professional obligations, Hooper always found time to share his love for the land with anyone and everyone who was interested.

Many a child in south Alabama shot their first deer by his side, and on any given day, you could expect to see someone hunting with him. His kind generosity touched many people throughout the First District but was felt with the most warmth back at home. He always had an infectious smile on his face and a love for people that was real and genuine.

Mr. Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many throughout south Alabama. Hooper Matthews, Jr., loved life and lived it to the fullest, and his passing marks a tremendous loss for all of south Alabama. He will be deeply missed by many, most especially his family and the countless friends he leaves behind. Our thoughts and prayers are with them all at this difficult time.

TRIBUTE TO ZACHARY L. COOPER

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Ms. BALDWIN. Mr. Speaker, I rise today to pay tribute to the memory of a remarkable citizen, Mr. Zachary L. Cooper of Madison, Wisconsin. Mr. Cooper was an educator and scholar who devoted his life to the study and teaching of black history. He was widely known as one of the state's most prominent chroniclers of African-American history.

Zachary Cooper was born in Brunswick, GA, in 1935, and eventually settled in Madison, Wisconsin. After spending 2 years in the Army Medical Corps, Mr. Cooper went on to earn a bachelor's degree in European history from the University of Wisconsin-Madison. He followed that with a master's degree in American history and earned his Ph.D in curriculum and instruction from the Ohio State University-Columbus.

Mr. Cooper spent much of his career documenting the history of black settlers, authoring "Black Settlers in Rural Wisconsin" and creating a documentary called "Coming Together, Coming Apart" which used oral histories, photos and diaries to preserve evidence of early black families in Wisconsin. Mr. Cooper was also a lecturer for a variety of institutions including the Wisconsin Historical Society, the University of Wisconsin, Edgewood College, Madison Area Technical College, and the Madison School District.

Mr. Cooper's passion was working with children. As president of the board of directors at the Early Childhood Learning Center, he was able to impact the lives of all the children at the center.

In the spring of 1992, Cooper co-founded JAMAD (Jamaica-Madison Cultural Exchange), a program that creates connections between hardworking students in Wisconsin and Jamaica. Through the program, students establish pen pal relationships which culminate in the students from Wisconsin making a trip to Jamaica to learn more about their peers and the culture.

With the passing of Zachary L. Cooper, the world has lost a great scholar, and Wisconsin has lost a great teacher, citizen, and friend.

VARIOUS FOREIGN POLICY SUSPENSION BILLS AT THE END OF THE 109TH CONGRESS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. PAUL. Mr. Speaker, I would like to express my concern about the House of Representatives at the last minute rushing to the floor dozens of bills spending tens of millions of dollars and interfering in the affairs of foreign countries. Mr. Speaker, we woke up this morning with the surprise announcement that we would face at least 35 of these suspension bills. Suspension bills are customarily noncontroversial—naming post offices and the like. I can hardly think of anything more controversial than sending tens of millions of U.S. taxpayer dollars overseas to interfere in the affairs of foreign countries.

The suspension calendar is being used to pass the reauthorization of the Export-Import Bank, which funnels millions of U.S. taxpayer dollars to foreign governments. For example, through the Export-Import Bank, Americans are forced to subsidize China's economic growth with some $4 billion dollars per year. Is this not controversial?

Additionally, today's suspension bills will turn an additional 52 million dollars in foreign aid over to the Democratic Republic of the Congo. Is this not controversial?

Possibly more damaging in today's "noncontroversial" suspension bills are the several bills that seek to meddle in the affairs of foreign countries. Today's suspension bills, whether they regard Lebanon, Iran, Congo, or Nepal, make it clear that we still have not learned the lessons we should have learned from Iraq and all of our previous interventions that have gone awry. Mr. Speaker, it is bad enough that Congress acts as if its jurisdiction extends across the entire globe, must we add insult to injury by treating this as simply run of the mill, noncontroversial legislation?

SOBER TRUTH ON PREVENTING UNDERAGE DRINKING ACT

SPEECH OF

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. SULLIVAN. Mr. Speaker, I rise today in support of the Sober Truth on Preventing Underage Drinking Act (Stop Act), which tackles an important issue facing families in every congressional district, the issue of underage drinking. If present for rollcall vote 521 on H.R. 864, the measure would have my strong support.

The Stop Act serves to restate the importance of state alcohol laws in fighting underage drinking while supplementing federal research and advocacy with additional funds. I am proud to support this legislation to confront the growing problem of underage drinking.

HONORING DR. PATRICK McKIERNAN

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to pay tribute to Dr. Patrick McKiernan, a remarkable public servant and advocate from my home state of Kentucky. Dr. McKiernan presently serves as Outreach Coordinator to Homeless Veterans for the Kentucky Department of Veteran Affairs.

Tragically, more than 1,000 veterans will be sleeping on the streets of Kentucky tonight. Dr. McKiernan recognizes that there is something fundamentally wrong when individuals who once wore the uniform of the United States are forced by circumstances to live on the streets. Under his compassionate leadership, the Kentucky Department of Veteran Affairs continues to work to establish special assistance programs to help get veterans off the streets and into housing or treatment facilities.

Dr. McKiernan represents his agency on the Kentucky Council on Homeless Policy, advising the Governor and his staff on homelessness and housing issues across the state. He also represents Kentucky Department of Veteran Affairs at the annual conference of the National Coalition for Homeless Veterans in Washington, DC and the Homeless and Housing Coalition of Kentucky.

In addition to his current work and responsibilities, Dr. McKiernan is developing plans to establish the Homeless Veterans Coordination Committee to provide additional guidance and support to help homeless veterans.

Dr. McKiernan's colleagues, and countless veterans touched by his exemplary work, note his unique ability to navigate bureaucracy and successfully resolve casework with unusual expedience. Recently, Dr. McKiernan intervened in a case involving a veteran afflicted with esophageal cancer who nearly became homeless due to the financial challenges of his illness. Because of his efforts, an American hero is receiving the care and assistance that he deserves. This is but one example in a long career of helping others.

It is my great honor to recognize Dr. Patrick McKiernan today before my assembled colleagues in the U.S. House of Representatives. His leadership and service make him an outstanding American worthy of our collective honor and appreciation.

TRIBUTE TO DR. POLLEYS

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to honor a great woman who has without reserve given her all to Muscogee County, GA. On this day, Dr. Polleys is retiring as chair of the Muscogee County School Board, a position which she has held for 13 years. She has faithfully served her community while blazing new trails for those who would follow.

Dr. Polleys grew up in Harris County, GA and knew early on that she wanted to make a difference in her community. To that end, she came back to Columbus to teach school after graduating from Mercer University. Not long thereafter, Mary Sue completed her master's degree at Auburn University and taught speech at the college level for 7 years, tutored extensively, and became involved in corporate training. In accordance with her ambitious nature, she did not stop with her master's but went on to receiver her doctor of philosophy degree from Auburn and served as director of the Servant Leadership Program at Columbus State University until her retirement.

After being elected to the Muscogee County School Board in November of 1993, Dr. Polleys led the school board to a place where consensus was the norm, mutual respect was expected, and discourtesy was simply not acceptable. In less than 5 years, the school system resolved its leadership issues, passed a $160 million capital program by a 3-to-1 margin, developed a fund balance of over 30 days, resolved its litigation, reversed the fall in test scores, and restored the confidence of administrators and teachers. More importantly, she restored the confidence of the parents and children whom the board serves.

Other members of the Muscogee County School Board characterize her this way:

> As Chair, Dr. Polleys exemplified true leadership by pushing us when we needed to be pushed, calmed us when we needed to be calmed and taught us when we needed to be taught. She helped take us from a group of nine individuals, with nine separate agendas, to a school board of nine public servants, with a single agenda, service to the community and care for all its children.

In a lasting tribute to Dr. Polleys, the school board entered this resolution:

> It has been said that all of us should be ashamed not to have made at least one victory for mankind during our lifetimes. By that standard, Dr. Polleys has earned not just the right to be unashamed, but the right to be proud. If she thought in terms of pride, she would be. She doesn't. If her accomplishments are to be praised, we must praise them because she won't.

Today, as Dr. Polleys moves into retirement from government service, we honor her and thank her for all she has done for the benefit of Columbus, GA—as an elected official and as a private citizen dedicated to the good of others. Her exemplary service to her community has set a standard of dedication and leadership that has inspired many and will inspire many others.

HONORING REPRESENTATIVES J.D. HAYWORTH AND JIM RYUN

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. STEARNS. Mr. Speaker, I have had the privilege of working with some great men and women over my years in Congress, and I rise today to pay my respect to two of my colleagues who will be leaving at the end of this year: Representatives J.D. HAYWORTH and JIM RYUN.

Anyone who has worked with J.D. HAYWORTH can readily testify that he is a charismatic man of many talents. His career in Congress has been highlighted by his leadership on immigration reform, advocacy for enhanced border security and prioritization of national security in these threatening times. In addition, he has received the "Taxpayer Hero" award from Citizens Against Government Waste 10 times, and was recently awarded the "Lifetime Tax Fighter" award from the National Tax Limitation Committee. He has also worked tirelessly for protection of children. His provisions for a centralized law enforcement database of child abusers strengthened the Adam Walsh Child Protection and Safety Act, which President Bush signed into law this July.

These are some of the many distinctive achievements of J.D. HAYWORTH as a public official, but many may not know some of the unique characteristics he possesses as an individual. I got to know J.D. better when I went and campaigned for him. I met his wonderful family and enjoyed their warm hospitality during my times in Arizona. He is a loving family man with a great sense of humor. Many may not be aware of one of his unique talents. He has an uncanny ability to mimic the speech of other Members. His impersonation of Representative HOWARD COBLE in particular is one of the best I have ever heard.

I greatly respect J.D., will sorely miss him, and I hope he will consider returning to public office sometime in the near future.

I would also like to take a moment to honor Representative JIM RYUN. He has greatly impressed me with his leadership—both in his public office and in his personal life. He has fervently worked for traditional family values, fiscal responsibility, immigration reform, and improving the lives of our men and women in uniform. For several years now, he worked to pass the Military Personnel Financial Services Protection Act, which protects service members from coercive tactics employed by some credit institutions. This legislation overwhelmingly passed the House and paved the way for its companion legislation to be signed into law this past September. I was also impressed and touched by his eloquence during the debate on the Respect for Fallen Heroes Act when he stated, "Our service members embody the exact opposite of hate by sacrificing their lives so that we can keep ours. I pay tribute to them . . ." It is this selflessness and integrity that has made it a pleasure to work with him.

It is also an honor to know him as a friend. JIM is a committed family man. He and his wife Anne have worked as a "dynamic duo" to strengthen and promote family values through their work with the Statesmen Leaders Conference and the Congressional Wives' Club. He is most famously identified as the man who broke the 4-minute mile, an incredible feat of athleticism that many of us, myself included, wish we could replicate. But I would not identify him that way. Instead, I would identify him most readily with his faith, for that is how he lives his life. I have had the pleasure of attending many Bible studies with him here at the Capitol, and I have found the source of his strength of character stems from his deep faith in God. His love for God and his fellow man has inspired many of us, and led some to a deeper relationship with God themselves. I value the time I have had to work with JIM. I will miss his calming presence and insight in the 110th Congress, and I pray that God blesses him and his family in his future endeavors.

REGARDING INTENT TO INTRODUCE THE BROADBAND EXPENSING ACT OF 2007 IN THE 110TH CONGRESS

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Ms. MATSUI. Mr. Speaker, I rise today to discuss an important piece of legislation I will reintroduce early next year, along with my colleague, Mr. ENGLISH of Pennsylvania, to encourage the deployment of broadband high-

speed Internet service throughout the United States. The Broadband Expensing Act of 2007 will allow immediate depreciation of the costs of new infrastructure investments providing broadband connectivity. In previous Congresses this measure has received extensive bipartisan support with as many as 225 House cosponsors and 65 Senate cosponsors. As the Congress and administration consider various methods of encouraging innovation in America, a broadband incentive of this nature must be of high priority.

This bill was a priority for my late husband, who worked with Mr. ENGLISH, Senator ROCKEFELLER, Senator BAUCUS, and the late Senator Moynihan to craft it in 2000. They all worked hard on it for several years and built tremendous bipartisan support in both chambers of Congress. My husband spent a lot of time discussing this measure with his colleagues in the House, explaining how it would work, seeking cosponsorships. It has been a popular measure. On three separate occasions it has almost passed the Congress, but each time fell short in the House. Three times this bill has passed the Senate, and three times it has been rejected in conference with the House, to the disappointment of my husband, my colleague Mr. ENGLISH, and many other members of this body who supported it and felt it could make a significant contribution to improving America's telecommunications and information technology infrastructure.

Now we are prepared to make another push for this bill in the 110th Congress. The Broadband Expensing Act will provide a temporary two-tiered tax incentive to stimulate new investment in this crucial infrastructure: 50 percent expensing for investment in ''current-generation'' broadband infrastructure in rural and underserved areas, and full expensing for ''next generation'' broadband investments in those same areas, as well as residential areas generally. Moreover, it is designed to be technology neutral, making delivery of service, not the delivery medium, the factor for eligibility. Any broadband provider meeting the required speeds, measured in megabits of data delivered to and from the consumer per second, is eligible, whether such service is provided over telephone wire, cable modem, optical fiber, wireless, satellite, or other forms of technology.

It is important to act quickly. Recent reports by the Organization for Economic Cooperation and Development and the International Telecommunications Union find the United States lagging in broadband penetration compared to other nations. We should not sit idly by and allow the United States to fall behind in this crucial area. Just as the federal government stepped in to provide national availability of electrification and transportation in the mid-1900s, we must now ensure a national system of electronic information.

I urge all of my colleagues to support this important measure. I look forward to working with my cosponsors and the leadership of both parties to see the Broadband Expensing Act become law in 2007.

TURKEY

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. KNOLLENBERG. Mr. Speaker, I encourage Turkey to honor their commitments and implement important economic, regional, and political advancements in order to gain membership in the European Union (EU).

Today, December 6, 2006, marks an important deadline in the pursuit of international partnership and cooperation. Turkey must begin to demonstrate to the EU and the international community that it is willing to implement changes in its policy prior to the Ascension Summit, where it will be decided whether Turkey may continue toward EU membership. The significance of this deadline is undeniable; Turkey must decide: do they continue to pursue a policy which alienates and impedes other nations? Or, do they adopt policy changes to join an important international cooperative body.

It is a well-known fact the regional policies of Turkey cause strain in the South Caucasus region and unfairly harms the welfare of their neighbor country, Armenia. The European Union has repeatedly called for the cessation of the Turkish Blockade of Armenia as well as normalization of relations between the countries. However, these two pre-conditions to entering the EU have been blatantly ignored by Turkey. The blockade, now in its thirteenth year, is the only blockade of a fellow Council of Europe state. This is simply unacceptable, and I implore the EU to stand firm in their recommendations to Turkey in order to ensure these iniquitous economic practices are eliminated.

Mr. Speaker, Armenia is a friend of the United States; and too many countries throughout the world. Yet, Turkey refuses to see the benefits Armenia brings to the South Caucasus region. This refusal has led to fierce tension within the region, as well as unfair economic outcomes that only harm Armenia. Before Turkey can become a member of the European Union, they must first acknowledge their mistakes, foster cooperation in the South Caucasus region, and respect their neighbor, Armenia.

I encourage the European Parliament to consider the ramifications of Turkey's actions before granting them membership to the EU. The purpose of the EU is to create economic, political and most importantly regional cooperation between nations with similar interests. Turkey, with a history of bullying their neighbor, does not deserve membership until they change their ways.

SAN JOAQUIN RIVER RESTORATION SETTLEMENT ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in support of the legislation introduced today by Congressman RADANOVICH to implement a practical agreement to revive our State's second-longest river.

This is a remarkable accomplishment, and I congratulate the parties who have worked tirelessly to get to this point.

When we debated and passed the Central Valley Project Improvement Act in the early 1990s, we anticipated a program to reestablish the San Joaquin River's salmon run that was eliminated by the construction of Friant Dam.

But bringing about something as momentous as this agreement is easier said than done. This settlement has been literally decades in the making, and I think we should all be very glad we're at this point, rather than watching another several years of litigation and argument.

It took a collaborative effort to bring this settlement about, and I'd like to take a moment to recognize the leaders of this effort.

Congressman RADANOVICH and Senator DIANNE FEINSTEIN took the lead in directing the Natural Resources Defense Council and the Friant water users to settle the 18-year legal dispute, and in negotiating the legislation to implement their settlement.

Attorney Hal Candee has shepherded NRDC's effort to reverse 60 years of destruction on the San Joaquin, and Friant's counsel, Dan Dooley, ensured that the river could flow without devastating his farmers.

My hat is off to each of the parties who have made this happen.

There is still a lot of work to be done before the salmon can return to the San Joaquin River again, and I look forward to working in the 110th Congress and beyond to help move the restoration efforts forward.

I will also make sure that this worthy effort does not detract from other ongoing restoration efforts, like the important work taking place on the Trinity River in northern California.

There is still much to be done in order to implement and fund the 2000 Record of Decision for Trinity River restoration, and I intend to work with my colleagues to restore that river and its fishery, including the resources that the United States holds in trust for the Hoopa Valley Tribe.

Again, I want to thank those who have led in this collaborative effort, and I urge my colleagues to support this legislation to settle a very long legal dispute and finally to bring salmon back to the once-great San Joaquin River.

A TRIBUTE TO MR. CRUZ BUSTAMANTE JR.

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. COSTA. Mr. Speaker, I rise today and join my colleagues Mr. CARDOZA, Mr. RADANOVICH and Mr. NUNES in honoring and remembering the life of Mr. Cruz Bustamante Jr., who passed away on Friday, December 1, 2006. Mr. Bustamante was a respected member of his community and his memory will forever be cherished.

Mr. Bustamante, was born on November 2, 1933 in Loving, New Mexico. In his youth, he and his family left New Mexico and made California's San Joaquin Valley their new home. Cruz graduated from Dinuba High School and

Mohler Barber College. He successfully pursued careers as a barber and later as the Administrator for the Greater California Employment Program and United Health Centers.

Like his son, Cruz, who served two-terms as the California's Lieutenant Governor and as a Member of the State Assembly representing the San Joaquin Valley, Mr. Bustamante also had an appetite for public service and never shied away from the opportunity to influence change in his community. Following that passion, he served the City of San Joaquin both as a member and Mayor Pro Tem. In addition, many civic, educational and community boards and committees were the beneficiaries of Mr. Bustamante's interest in his community's welfare.

Mr. Cruz Bustamante Jr. is survived by his beloved wife of 54 years, Dominga and their children: Cruz M., Belinda, Dorothy, Ron, Andrew and Naomi. Also surviving him are nine siblings, ten grandchildren and three great-grandchildren.

Although his passing leaves a community in mourning, his devotion to his family, loyalty to friends, and commitment to helping others will never be forgotten. I would like to extend my deepest condolences to his family and friends, and reassure them that his memory will live on through the lives he so graciously touched.

FOND FAREWELL TO DEPARTING FLORIDA DELEGATION MEMBERS

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. STEARNS. Mr. Speaker, Florida is a state like no other. Our distinct regions range from the white-sanded beaches of the panhandle to the pink-sanded, sophisticated boutiqued avenues of Miami, passing through the space coast, home to Kennedy Space Center, and, most exquisitely, through the beautiful, rolling horse country of Marion and Alachua counties.

Our congressional delegation is no less diverse. We have our rock-solid fiscal conservatives, our steady moderates, and our progressive liberals. I am proud to be associated with them all.

Tonight, I join my Sunshine State colleagues to bid a fond farewell to CLAY SHAW, MIKE BILIRAKIS, JIM DAVIS, and KATHERINE HARRIS. Each of them are unique seashells, sparkling on the beach that we call Florida.

Mr. BILIRAKIS, Mr. DAVIS and I have spent many years together on the Committee on Energy & Commerce. For countless hours, we have debated the Outer Continental Shelf, Medicaid, and telecommunications issues. There were never dull moments, but even as we disagreed, I think that the three of us asked a common question as we legislated: what is best for Floridians?

In Mr. BILIRAKIS, further, one could ask for no more dedicated advocate for our Nation's veterans. He has introduced the fix for the unfair offset of concurrent receipt of veteran disability pay and military retirement pay for 20 years now. Happily, he must leave here with the satisfaction that Congress has made substantial progress in ending this century-old problem.

Mr. SHAW's leadership in Medicare is peerless. Physicians around Florida and around the nation have him to thank for his tireless efforts on their reimbursement, as well as medical liability reform. I am honored that he asked me to carry the torch for his work on medical screenings for first responders. I shall not let him down.

Mrs. HARRIS has served honorably as a brilliant stateswoman, both for Florida and for the United States. As Secretary of State for Florida, she represented and advanced our interests in trade, with diplomacy and aplomb. And, she is an accomplished horsewoman and solid booster and alumna of the University of Florida, with strong family ties.

As an example of our unity, like other States with no income taxes, our delegation has lobbied hard for federal income tax fairness, via the deduction for state and local sales taxes. When I gathered the support of the Florida delegation for this deduction in the American Jobs Creation Act of 2004 in a letter in the summer of 2004, I am proud to say that I collected the signatures of 100 percent of our delegation, all 25 of our House Members, and our two Senators. One of our delegation, the Honorable Porter Goss, in fact had one foot out the door, to head the Central Intelligence Agency, but he still took a moment to sign our letter. I don't think any of the other non-income tax states, including the even larger delegation of Texas, secured 100 percent support. This solidarity just exemplifies who Floridians are. Representatives BILIRAKIS, SHAW, HARRIS, and DAVIS, fare thee well.

HONORING LLOYD C. HILLARD, JR.

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to pay public tribute to Lloyd C. Hillard, Jr., an exemplary community leader, businessman and citizen from my congressional district. Lloyd received this year's Hardin County Distinguished Citizen Award from the Boy Scouts of America during ceremonies earlier this month.

A native of Kentucky, Lloyd grew up on a farm in Pine Grove and earned college degrees from the University of Kentucky and the University of Wisconsin. Lloyd has distinguished himself as a business leader, serving as President and CEO of First Citizens Bank, and a good neighbor, through his active involvement in many community and charitable organizations.

Though never a scout himself, Lloyd's lifelong example of honesty and devotion to his family and community parallel ideals championed by the Boy Scouts. He first became involved with the Scouts as a young adult, running a school recruitment program.

Lloyd has been an especially active member of our community, having served as past president and director of the Bluegrass Council Boy Scouts of America, past chairman of the North Central Kentucky Education Foundation, and former treasurer and director of the Cavalry Armor Foundation.

Lloyd was also past chairman of the Hardin County Community Foundation, Helping Hand of the Heartland, and the Hardin County Fund for the Arts. He remains an active member of the local United Way and the Elizabethtown Rotary Club.

It is my great privilege to recognize Lloyd C. Hillard, Jr. today, before the entire U.S. House of Representatives, for his example of leadership and service. His unique achievements make him an outstanding American worthy of our collective honor and respect.

RECOGNIZING THE HONORABLE SHERWOOD BOEHLERT FOR HIS OUTSTANDING SERVICE AS CHAIRMAN OF THE HOUSE SCIENCE COMMITTEE

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to recognize the Honorable SHERWOOD BOEHLERT for his outstanding service as Chairman of the House Science Committee.

Chairman SHERWOOD BOEHLERT, in honor of your long-term commitment to scientific research, I congratulate you on all of your remarkable achievements as Chairman of the House Science Committee. It has been my pleasure to serve alongside you as we worked diligently on many scientific matters which affected every American across the country. While I congratulate you on your service and celebrate your retirement, I recognize without reservation that your valued insights and contributions to the Science Committee will be deeply missed.

As Chairman of the Science Committee, you spearheaded advancement in nanotechnology through the "21st Century Nanotechnology Research and Development Act," that was signed in December 2003, by President George W. Bush. This was an important bill which allowed for a more coordinated and better funded interagency program in nanotechnology—an emerging field of science that the National Science Foundation estimates will be a $1 trillion industry within the next decade.

You have also been an esteemed advocate for the environment having authored the Clean Air Act amendments of 1990, which for the first time established a federal response to acid rain. Furthermore, your dedication did not stop there. In 1996, you authored the Conservation Title in the Farm bill, which provided over $9 billion for conservation programs critical to hunters and fishermen. Such crucial programs included the Wetlands Reserve Program, the Conservation Reserve Program and the Wildlife Habitat Incentives Program.

I can confidently say that through your distinguished 24 years of service, you have made a lasting and valuable impact on American society. Thank you for your unwavering dedication and successful efforts in drawing the necessary attention to the competitive challenges facing U.S. companies, and to the importance of math and science education in overcoming those challenges. I also thank you for your excellent efforts of ensuring that our nation remains number one in the global economy.

UNIVERSITY OF HOUSTON—CONFERENCE USA CHAMPS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. POE. Mr. Speaker, today I recognize my alma mater, the University of Houston Cougars whose football team won the Conference USA Championship on December 1, 2006 against Southern Mississippi in front of a hometown crowd of 31,818, the largest crowd in the history of UH's Robertson Stadium. After being down at halftime by a score of 17–13, the Cougars rallied by to win by 34–20.

I am immensely proud of the Cougar football program, which in the space of 5 years has turned itself completely around from a winless season in 2001.

This lion's share of this tremendous success is attributed to Mr. Art Briles, the head coach of the Cougars—the brilliant architect of the turnaround. When Briles came to the Cougars in 2003, he found a team and school demoralized and devastated from years of mediocrity. A mere three years later, due to his leadership, the Coogs are conference champs and headed to the Liberty Bowl.

In football, statistics are misleading, because the game is above all a team effort. It is hard to describe the contribution of an individual player to such an effort through their statistics, because one's performance is mortally dependent on so many other variables—broadly speaking, the performance of every other player on the team. Therefore, it could be said that the most important, perhaps only, statistic that matters is that of wins and losses, which reflects the performance of the team, not the individual player. This statistic is really the coach's statistic—Mr. Briles is ultimately responsible for it. In this the Cougars excelled, with a record of ten wins and only three losses.

In recognition of excellence in leadership and performance, on December 6, Briles won the Coach of the Year award from the Conference USA—An award well-deserved.

Mr. Speaker, in football, extreme importance is paid to the position of the quarterback. In the realm of sports, the vitality of this position is matched only by the pitcher in baseball.

Fortunately, UH had an excellent quarterback in Kevin Kolb. In the championship game, Kevin completed 19–for–31 passes for 258 yards and two touchdowns. He also rushed for a 46-yard touchdown. But this was the continuation of an equally stellar season, in which Kevin completed 266–for–393 passes for 3,423 yards. He threw a league-high 27 touchdowns with only three interceptions. This touchdown-to-interception ratio was the second lowest in all of NCAAI–A football. For these exceptional accomplishments, Kevin has deservedly won the C–USA Offensive Player of the Year award.

I must also recognize Vincent Marshall, who was named the game's Most Valuable Player. Vincent, a wide receiver, rushed for a touchdown and had 224 all-purpose yards—100 receiving, 22 rushing, and 102 yards on three kickoff returns. Also notable is the fact that Vincent has made a reception in 36 straight games, allowing him to be the Nation's top returning career receiver. He is also just 31 catches, and 557 yards, away from holding the UH record in both categories.

Mr. Speaker, I commend Coach Briles, Kevin, Vincent, and the entire Cougar football team for a superb season, a conference championship, and for making students of the University of Houston, past and present, proud to be a Cougar. I look forward to the Liberty Bowl, where the un-daunted Cougars will face the Southeastern Conference South Carolina GameCocks. They will meet for the first time since October 5, 1974, but whom the Cougars are 2–0 against. I look forward to a Cougar victory.

My pride goes to UH. "Eat 'em up, eat 'em up; rah, rah, rah," Mr. Speaker.

That's just the way it is.

COUNCIL OF KHALISTAN URGES SIKHS TO WORK TO FREE KHALISTAN SEES DISINTEGRATION OF INDIA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. TOWNS. Mr. Speaker, last month, Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, spoke at the Press Club in Lahore, Pakistan. In that speech, he predicted disintegration of India, according to the newspaper Dawn from Lahore. "There is nothing common in the culture of the Hindu living in Bengal and the one in Tamil area," the paper quotes Dr. Aulakh as saying. "A country having 18 official languages cannot hold its people together for a long time, especially when there is state sponsored suppression against minorities," he went on to say.

Dr. Aulakh cited the BJP's statement that if you want to live in Hindustan, you must be a Hindu. He discussed India's long record of violence against the minorities within its borders, including the murders of over a quarter of a million Sikhs, more than 90,000 Kashmiri Muslims, over 300,000 Christians in Nagaland, 2,000 to 5,000 Muslims in Gujarat, tens of thousands of Christians and Muslims around the rest of the country, and tens of thousands of Assamese, Bodos, Dalit "untouchables", Manipuris, Tamils, and other minorities. He cited numerous other incidents, including the murder of former Jathedar of the Akal Takht Gurdev Singh Kaunke, the kidnapping and murder by the police of human-rights activist Jaswant Singh Khalra, the recent attack on the Convent of Loreto, the attack on the Babri mosque, and many other such events.

Dr. Aulakh said that the only solution to this situation is a free, sovereign, independent Khalistan, which was declared on October 7, 1987. It is time for the United States to help protect the dignity of all people in South Asia by helping them to live in freedom. There should be a free and fair plebiscite in Punjab on the independence of Khalistan, as well as a plebiscite in Kashmir, as promised to the United Nations in 1948, in Nagaland, and wherever people are seeking freedom from India. The essence of democracy is the right to self-determination. The United States Congress should be on record in support of that. In addition, we should stop our aid and trade with India until such time as the tyranny stops and all people there enjoy full human rights.

We seek good relations with India, but not at the expense of our principles. India must spread the blessings of freedom and democracy to all its people, not just the ruling elite and its friends.

Mr. Speaker, I would like to insert the Dawn article and an article from The News concerning Dr. Aulakh's statement into the RECORD.

[From Dawn Lahore, Nov. 7, 2006]

KHALISTAN COUNCIL SEES INDIA'S DISINTEGRATION

(By Our Staff Reporter)

Lahore, Nov. 6: India will break up in many states like the former USSR, says Council of Khalistan president Dr. Gurmit Singh Aulakh.

"There is nothing common in the culture of the Hindu living in Bengal and the one in Tamil area. A country having 18 official languages cannot hold its people together for a long time, especially when there is state-sponsored suppression against minorities," Dr. Aulakh said at a press conference at the Lahore Press Club on Monday.

The BJP had conveyed to all the minorities in the strongest terms that if they wanted to live in 'Hindustan', they have to become Hindus. Over a million people have been killed since independence merely because they were not Hindus. The Indian government has committed terrorism against its own minorities. More than 250,000 Sikh infants, children, youth, men, women and elderly had been murdered since 1984, in addition to more than 300,000 Christians in Nagaland, over 90,000 Muslims in Kashmir, tens of thousands of Christians and Muslims throughout the country besides tens of thousands of Assameese, Bodos, Dalits, Manipuris, Tamils and other minorities.

Indian police arrested human rights activist Jaswant Singh Khalra after he exposed their policy of mass cremation of Sikhs. Over 50,000 Sikhs were arrested, tortured, murdered and then their bodies were declared unidentified and secretly cremated, said Dr. Aulakh.

Mr. Khalra was murdered in police custody and his body was not handed over to his family. No one was brought to justice for his kidnap and murder. The only witness to the Khalra kidnapping, Rajiv Singh Randbawa, had been repeatedly harassed by the police, including having been arrested for trying to hand a note to the then British home secretary Jack Straw.

The Khalistan Council chief said 35 Sikhs were arrested in Punjab last year for delivering speeches in support of Khalistan and raising its flag. How can delivering speeches and raising a flag be considered crimes in a democratic society?

The police never released the body of Gurdeve Singh Kaunke, the former Jathedar of the Akal Takht, after SSP Swaran Singh Ghotna murdered him. The police officer had never been tried for the murder.

Mr. Graham Stains, missionary, was murdered along with his two sons, ages 8 and 10, by a mob of militant, fundamentalist Hindu nationalists who set fire to the jeep, surrounded it, and chanted Hannuman ki jay (Victory to Hannuman). Another missionary, Joseph cope, was beaten so badly that he had to remain in an Indian hospital for a week. Later, the Indian government threw him out of the country and none of the people involved had been tried.

"Police broke up a Christian religious festival with gunfire but the people who murdered priests, raped nuns and burnt churches had yet to be charged or tried. Recently, militants from the Bharatiya Januata Yuva, the youth movement affiliated with the BJP and the fascist RSS, attacked the Convent of Loreto.

"The murderers of 2,000 to 5,000 Muslims in Gujarat have never been brought to trial. An

Indian newspaper reported that the police were ordered not to get involved in that massacre, a frightening parallel to the Delhi massacre of Sikhs in 1984. Militant Hindu fundamentalists destroyed the most important mosque in india, the Babri Masjid, but no one had ever been held responsible,'' said Dr. Aulakh.

''What good it did to the Sikh nation if the Indian government apologized for the Delhi massacres, in which over 20,000 sikhs were killed? Where are the apologies for the golden Temple attack, the destruction of the Akal Takht, the desecration of Darbar Sahib and the other atrocities? Where is the compensation for the victims' families?'' asked a charged Khalistan Council chief.

Sikh farmers were expelled from Uttaranchal last year and their land was seized, police thrashed them, their homes that were built out of their life savings and by their own hands, were bulldozed by paratroopers. ''We condemn this act of state terrorism by the government of Uttaranchal,'' he said.

Sikhs could not buy land in Rajasthan and Himachal Pradesh and now Uttaranchal had been added to the list while there were no restrictions on land ownership in Punjab by non-Sikhs.

India was trying to subvert Khalistan's independence by overrunning Punjab with non-Sikhs while keeping Sikhs from escaping the brutal repression in Punjab. ''It is now incumbent on the Sikh diaspora to free Khalistan. We must redouble our efforts. That is the only way to keep these atrocities from continuing and to protect the Sikh nation and the religion.''

The Akali Dal, Dr. Aulakh alleged, conspired with the Indian government in 1984 to invade the Golden Temple to murder Sant Bhindranwale and 20,000 other Sikhs in June 1984 in Punjab.

In response to a question, he said the Indian prime minister was a puppet. ''Mr. Manmohan Singh lied before the Geneva Commission in 1992 that there were no atrocities against Sikhs in India in spite of the fact that there were 52,000 Sikhs in Indian jails under the notorious TADA. He lacks the true Sikh spirit, if a Sikh is not Khalistani, he is not a Sikh,'' declared Dr. Aulakh.

Sikhs would never get any justice from Delhi. Ever since independence, India had mistreated the Sikh nation, starting with Patel's memo calling Sikhs 'a criminal tribe.'

''What a shame for Home Minister Patel and the Indian government to issue this memorandom when the Sikh nation gave over 80 percent of the sacrifices to free India. There is no place for Sikhs in supposedly secular, democratic India. Our moment of freedom is closer than ever. Sikhs will continue to work to make certain that we shake ourselves loose from the yoke of Indian oppression and liberate our homeland, Khalistan, so that all Sikhs may live lives of prosperity, freedom and dignity.

''The flame of freedom continues to burn brightly in the heart of every Sikh and no force can suppress it. Recently, Dal Khalsa and the Shironment Khalsa Dal announced that they are uniting for sovereignty for Khalistan. The Punjab legislative assembly proclaimed the sovereignty of Punjab when it cancelled the water agreements. Only by liberating Khalistan can we put an end to the repression and terrorism against the Sikh nation by the Indian regime. Now is the time to rededicate ourselves to the liberation of Khalistan.

''The Sikhs are a free nation and they would neither compromise on their freedom nor they could be subjugated. Freedom is the right of every nation. We have been struggling for the independence of our homeland from the day when the Golden Temple was attacked. We have been exposing the indian atrocities worldwide since then,'' the Khalistan Council chief said.

[From The News International, Nov. 7, 2006]

SIKHS URGED TO WORK FOR HOMELAND

Sardar Gurmeet Singh Aulak, president of Council of Khalistan, has said that it is the moral duty of Sikhs to establish free homeland and get freedom from India.

While addressing a press conference here Monday at Lahore Press Club, he said Sikhs had to come forward to get free homeland for the Sikhs living around the world. He said the foundation of Khalistan was laid after the attack on Golden Temple in 1984 adding that now the Sikhs were fighting for their birth right though the war was long but it has to meet logical end.

He said the biggest mistake which the Sikh nation had committed was that they did not accept the offer of Quaid-e-Azam Muhammad Ali Jinnah and for that they have to pay for few more decades.

He said their struggle was peaceful and political but India turned into violent by killing innocent Sikhs in East Punjab and tagged them as terrorists.

He said in India, 18 different languages were being spoken and when there was no commonality in cultures, the country was bound to be divided into parts like the USSR. He said on October 17, 1987, the resolution was passed by Council of Khalistan for free homeland and from that date the Sikhs were struggling to get their homeland.

He said Sikhs has no claim on that piece of land where they did not have any population but they want homeland on areas of East Punjab, Himachal and Haryana, where the Sikhs were in majority. About Kashmir issue, he said he was surprised to note that with so many Muslim countries around the world, the state was not freed yet as if the Sikhs have the same number of countries, they had freed their land from the cruel clutches of India.

About Prime Minister Manmohan Singh, he said he was a puppet PM and dance to the tunes of Sonia Gandhi and lacks confidence of Sikh nation.

CONGRATULATING THE MINNESOTA CHILDREN'S MUSEUM ON ITS 25TH ANNIVERSARY

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Ms. MCCOLLUM of Minnesota. Mr. Speaker, today I rise to recognize the staff and patrons of the Minnesota Children's Museum on its 25th Anniversary. Since its inception on December 12, 1981, the Minnesota Children's Museum has welcomed more than 5 million children through its doors, giving young people hands-on experiences that offer a world of opportunities for children, youth and adults alike to explore and discover.

As the number of visitors has grown from 65,000 to 400,000 per year, the Minnesota Children's Museum has moved to larger space three times, from downtown Minneapolis to its current location in downtown St. Paul. Thanks to the vision and commitment of founders Marialice Harwood, Kate Donaldson and Suzanne Payne, the Children's Museum continues to expand as an innovative venue for educating and nurturing young children, and offer unique public spaces for civic and community engagement.

In the new En Mi Familia gallery, children learn the life stories and dreams of a young Mexican American author and artist, Carmen Lomas Garza. In the Habitot gallery, infants and toddlers ranging in age from six months to four years old can safely explore and crawl through the Habitot's pond, prairie, forest and bluff caves to enhance their cognitive, physical and social development. In the Rooftop ArtPark, where nature and art come together, young visitors experience the changing colors of leaves from treetops to changing weather conditions in Minnesota, In the World Works gallery, children explore and discover the fun of water by building boats and racing them through a water tube.

Through these imaginative approaches to lessons about society, science and art, the Minnesota Children's Museum shows young people that learning can be fun. Community investments like the Children's Museum provide the foundation for lifelong learning. Mr. Speaker, please join me in honoring all the people who have made the Minnesota Children's Museum a success for children's education.

FRANK CORRECTS HIS ERROR

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. FRANK of Massachusetts. Mr. Speaker, in the CONGRESSIONAL RECORD for Tuesday, December 5, 2006 I inserted remarks noting the justifiable honor that Georgetown Law School paid to our former colleague, Father Robert Drinan, by naming a Chair in Human Rights in his honor. Unfortunately, I marred that insertion by incorrectly naming the first holder of the Chair. In that insertion, I said that Professor T. Alexander Aleinikoff was holding the Chair. In fact, he is the Dean of Georgetown University Law Center and he spoke at the ceremony in recognition of the first Chair holder. That recipient of the honor of being the first holder of the Robert F. Drinan Chair is Judge Thomas Buergenthal.

Mr. Speaker, because I think it is a very important step that one of our nation's leading law schools has so honored a man who pioneered in the important field of human rights, and further that the proceedings in which that occurred be fully and accurately portrayed here in this RECORD, I have submitted for printing elsewhere in the RECORD a copy that corrects my mistake. I ask separately that these remarks be included so that people who note that there were two versions of this important ceremony printed in the RECORD will understand why.

I apologize to Judge Buergenthal for not having recognized initially his being designated as the holder of this Chair and I repeat my congratulations to Georgetown University Law Center for honoring a great man, former Congressman Father Robert F. Drinan, and a great cause to which he has donated and continues to donate so much of his talent and time.

PERSONAL EXPLANATION

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. NORWOOD. Mr. Speaker, on rollcall No. 527; condemning the decision of St. Denis, France, to name a street in honor of Mumia Abu-Jamal, the convicted murderer of Philadelphia Police Officer Danny Faulkner.

Had I been present, I would have voted ''yea.''

HONORING NASA MISSION SPECIALIST JOAN E. HIGGINBOTHAM

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to congratulate the STS–116 crew aboard the Space Shuttle Discovery on the occasion of their launch into space today. Thursday, December 7, 2006, marks the shuttle's 20th mission to the International Space Station.

Space is a frontier few Americans get to experience, and for females and members of ethnic minorities, the opportunities are especially rare.

For this reason I offer warmest congratulations to Mission Specialist Joan E. Higginbotham.

As an African American woman, Joan Higginbotham will inspire millions of girls across the nation and across the world. Ms. Higginbotham's track record of excellence has set her apart from her peers. Trained as an electrical engineer with management and space systems expertise, Ms. Higginbotham has gone down a unique path.

Both Ms. Higginbotham and I are proud members of The Links, Incorporated.

The Links, Incorporated is a not-for-profit organization of more than 10,000 women of color, committed to enhancing the quality of life in their communities. The Links founders had three primary service aims: civic, educational, and cultural. In her achievement as an astronaut, Ms. Higginbotham will light the paths of millions of women of color to achieve in areas previously inaccessible to them.

Again, warmest congratulations and best wishes to the crew, especially to Mission Specialist Joan E. Higginbotham.

COMMEMORATING THE 150TH ANNIVERSARY OF THE DECEMBER 14, 1856 BIRTH OF LOUIS MARSHALL

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. WALSH. Mr. Speaker, I rise today in recognition of the 150th Anniversary of the birth of Louis Marshall. Louis Marshall is a staple in the Syracuse community. Born on December 14, 1856 Mr. Marshall spent his time growing up in our area. After attending Columbia Law College, Mr. Marshall returned to Syracuse where he began his legal career. In time, Louis Marshall distinguished himself as one of the more prominent and sought after lawyers in New York State. Through his tireless efforts advocating civil rights and combating anti-Semitism, Louis Marshal became a legendary appellate attorney and a Constitutional scholar. Throughout his life, he tried more cases before the United States Supreme Court than any other non-govemmental lawyer of his era.

Locally, Louis Marshall was heavily involved within the Syracuse community. As a longtime trustee of Syracuse University, he worked hard for the creation of the New York State College of Forestry.

His greatness was often sought after by many, landing Mr. Marshall on commissions at the State and National level.

Throughout his prestigious career, Louis Marshall always maintained close personal ties to the Syracuse community. At the time of his untimely death on September 11, 1929, Louis Marshall had already cemented his greatness. Louis Marshall will always be remembered as a hard working, loving, individual who fought diligently to protect the rights of all and fought hard so the integrity of our great Constitution would never be jeopardized.

TRIBUTE TO BETTY DICK

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. UDALL of Colorado. Mr. Speaker, I rise today to note the passing of Ms. Betty Dick, who died on November 14, 2006, in Arizona. She was 84. Earlier this year, this body passed a bill I helped author to allow Betty to remain on property within Rocky Mountain National Park in Colorado for the rest of her life—property that she and her late husband had enjoyed and stewarded for 25 years.

Although she did not get the chance to long enjoy this property under the rights of occupation granted under this law—the Betty Dick Residence Protection Act—she did appreciate that Congress understood her situation and passed a law to allow her to stay.

All those who got to know Betty understood her grace, her tenacity, and her love of the outdoors, this property in the Park, and especially her family, friends and neighbors. Before coming to me for help, Betty had not had experience working with Congress. Nevertheless, she was a quick study fully grasping the nuances of passing a private bill and approaching this task with patience, respect for the institution and its members, and the need to make her case. She did all of that with poise and vigor.

My involvement in this issue began when Betty met with my staff in September of 2004, at which time we learned that Betty's occupancy was based on a July, 1980 Settlement Agreement that resolved a lawsuit brought by Betty's deceased husband, Mr. Fred Dick, challenging the transaction through which the property was conveyed to the federal government. The challenge was based on the federal government ignoring Mr. Dick's right of first refusal when the property was sold to the National Park Service. Invoking this right of first refusal, Mr. Dick asked the court to set aside the sale ofthe property to the United States and to allow him to repurchase it from his ex-wife.

Betty and her husband traveled to Washington to negotiate a settlement of this lawsuit and were told that the Interior Department was prepared to agree to a settlement that would allow them a ''lifetime occupancy'' of the property in return for their agreement to drop the lawsuit. She told me that they agreed to that, but that the formal documents to complete the settlement instead provided for continued occupancy for a term of 25 years.

According to Betty, her husband decided to accept and sign the documents because he was wornout by protracted negotiations with the National Park Service and because he felt that neither he nor his wife would live longer than 25 years. So, he did sign the Settlement Agreement—which, in addition to reducing the period of occupancy to 25 years also required him to make a lump sum payment of $7,500 to the National Park Service. As it happened, he was right to think that he would not outlive the 25-year period, but he was wrong about his widow, Betty Dick.

I also learned that both Fred and Betty Dick had been good stewards of this property, opened their home and property for community events and the public, and had been good neighbors with the National Park Service and its employees. Betty stated to me back in September—and has stated throughout—that she is simply asking for an opportunity to remain on the property for the rest of her life.

Given this history, I asked my staff to see what we could do to help. Following initial contact with Rocky Mountain National Park after my staff's first meeting with Betty in September, I sent a letter to the Secretary of the Interior on October 12, 2004 respectfully requesting that the Park Service sit down with Betty and renegotiate the terms of the Settlement Agreement. I also suggested that in return for this renegotiation Betty offer something of value in exchange for her being able to remain on this property.

The response to that request was a letter back from the National Park Service's Intermountain Region Director indicating that the Park Service was unwilling to sit down with Betty and work out either an extension of the Settlement Agreement, or some other arrangement with her. Given this response, I determined that the National Park Service was either uninterested or unable to take administrative steps to resolve the matter fairly, and that as a result my only option was to introduce legislation that would extend the terms of the Settlement Agreement and allow Ms. Dick to stay on this property for the remainder of her life.

That bill was H.R. 432, which I introduced on January 26, 2005. The bill extended the terms of the Settlement Agreement allowing Betty to occupy the cabin on this property for as long as Betty was alive. Senator KEN SALAZAR introduced a companion version of this bill on March 3, 2005.

Following the introduction of this bill, I continued to urge the National Park Service to work out some administrative resolution. I wrote a letter to the Park Service explaining that I thought that this situation was unique and urged the National Park Service to sit down with her and work out a resolution. Still, the Park Service chose not to work this out equitably.

Betty testified for her bill before the House and Senate. I and other members of the Committee were impressed with her composure and the strength her plight. Consequently, the bill passed and was signed by the President on May 12th of this year.

I was also impressed with the outpouring of support from Betty's friends and neighbors in Grand County and the Town of Grand Lake, the communities along the western side of the Park. These people stood beside Betty as they valued her contributions to the community and the Park.

I was deeply saddened by Betty's passing. She died with her family around her.

In late August, I presented Betty with a framed copy of the signed law allowing her to stay. She was surrounded by friends and family who were gathered around the campfire just outside the cabin. All around us was the beauty and splendor of the Rocky Mountains and Betty got to enjoy her last days there secure in knowing that she had a right to enjoy and care for this property that meant so much to her and the community.

Betty opened her home to community events and was a valued member of Grand County. She was well regarded by everyone who knew her. Her cause became a labor of love and I was pleased to do what I could to help her. She will be missed by all those who were inspired by her love of life and her love of that special land along the Colorado River in the Park. I had hoped to visit her in future summers and enjoy her company and her neighbors around the campfire. She will always be there in spirit.

Mr. Speaker, I want to thank my colleagues for helping pass the Betty Dick Residence Protection Act. Our work for Betty shows that our government can be responsive to the needs of individuals as long as we take the time to listen, learn and care. I am proud of our work for Betty and for the principle of responsive government.

REMEMBERING ROGELIO SANCHEZ UPON HIS RECENT DEATH

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. REYES. Mr. Speaker, today I remember a friend who passed away last week, former El Paso County Commissioner Rogelio Sanchez.

More than a friend, Rogelio was a public servant and part of the political lineage that enabled me to serve my city and my country in Congress. Born in Mexico, a valedictorian at Fort Hancock High School, a graduate of Sul Ross State University, a World War II veteran, and a teacher for many years in El Paso, Rogelio served the lower valley of El Paso, Texas, on the El Paso County Commissioner's Court for 36 years. At a time when minorities were not adequately represented in government, his leadership on Commissioner's Court and his persistent advocacy of diversity and opportunity opened the door for many Latinos to enter politics and public service.

He neutralized prejudice with his humor and easy-going manner and overcame discrimination with a record of accomplishment that includes roles in the construction of the Sun Bowl, Trans Mountain Road, Thomason Hospital, the new country courthouse, the new county jail, and many senior citizen nutrition centers. His fingerprints on El Paso are some of our proudest structures.

In addition, his work holds a special place in my heart because he was responsible for initiating Head Start in El Paso, a Federal program the success and expansion of which ranks high among my legislative priorities.

Politics and public service in El Paso looked a lot different when Rogelio left Commissioner's Court in 1997 than when he first won election to office in 1960. The path he helped blaze ultimately led me to Congress. He was a giant for his people. He was an inspiration for me.

Nothing says more about a man, however, than his family. Rogelio was one of 10 children born to Rogelio and Petra Sanchez and the first among them to attend college. He is survived by his wife of 56 years, Mary, and their three children, Michael, Albert and Maricela. In addition to knowing Rogelio as a public servant, I knew him as a family man—and that is how I will remember him.

Mr. Speaker, I ask that my colleagues join me in mourning the death of Rogelio Sanchez and recognizing his legacy.

LT. LAWRENCE GARLOCK: STAFF OFFICER OF THE YEAR

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. POE. Mr. Speaker, one of the noblest professions is that of a law enforcement officer. The brave men and women who wear the badge of honor do so with a desire to protect and serve their communities. Day to day, law officers are thrust into dangerous situations, keeping the honest citizens safe from the outlaws of society. They perform their jobs with little recognition or thanks from the public, just the knowledge that they are making a difference.

Although the public may not always pay law enforcement officers the recognitions they deserve, their colleagues do. One of the highest recognitions a law officer can receive is to be named Law Officer of the Year. The honor signifies that the individual law officer is best of the department—the officer whose dedication to the profession surpasses his or her colleagues. Lt. Lawrence Garlock, with the Allen County, Ohio Sheriff's Department, is one such lawman.

For Lawrence, or Larry as he is more familiarly known, serving one's community as a law enforcement officer is a family tradition. A native of Lima, Ohio, Larry grew up with the influences of his father, Joseph, a Lima Police Officer, and his Uncle Tom, an Ohio State Highway Trooper. Those role models influenced Larry to join the Allen County Sheriff's Department in 1976.

Larry is not the only second generation law officer in his family. His older brother, Greg, currently serves as Chief of the Lima Police Department, and a Department. He also has a nephew, Jason, who is a Lima Police Officer. Larry even met his wife, Catherine, while they were both deputy sheriffs. Larry has had an impressive career with the Allen County Sheriff's Department. From 1979 to 1983, he was assigned to work the Department's Crime Prevention Unit. While serving in this unit, Larry was promoted to Identification Officer, with the rank of Detective, in 1981. In 1990, Larry was promoted to Sergeant, and then in 2001, he saw his rank change. He was made Special Sergeant in Charge of the Crime Scene Identification Unit. The following year, he was awarded the rank of Lieutenant. After nearly 24 years of going to crime scenes, collecting evidence, and maintaining a standard of excellence in the Identification Unit, Larry was transferred to the Detective Bureau, in 2005, and placed second in command.

In October 2006, Larry celebrated 30 years with the Allen County Sheriff's Department. There are only two other individuals in the entire department who have been there longer. Larry also has had the distinction of serving under three different sheriffs. Larry's service to his profession made him the ideal recipient for the Allen County Sheriff's Office Staff Officer of the Year.

The Staff Officer of the Year is an award given out to the sheriff's deputy who has made a positive impact on the community, works to maintain the efficiency of the office, and demonstrates an outstanding measure of professionalism in his or her work. Basically the award is bestowed on the deputy who takes utmost pride and seriousness in upholding his or her position.

The award of Staff Officer of the Year was a tradition that the Sheriff's Department upheld every year. Nominations for the award were submitted to the selection committee, and then a banquet was held for the awardee. In 2002, however, the Department was facing a financial crisis. Expecting to have to layoff 37 sheriff deputies, the Sheriff cancelled the award. He could not justify spending money on an award banquet if 37 deputies were losing their jobs.

In 2006, Larry sent a letter to the Sheriff, requesting for the reinstatement of the award. In the letter, he stated that the award would benefit morale of the deputies to be honored by their peers. The Sheriff agreed, and reinstated the award. The selection committee then decided to back-award deserving deputies with the awards, from the previously missing years.

Unbeknownst to Larry, he was nominated for the 2003 Staff Officer of the Year. His nomination was due not only to his professionalism while serving as a sheriff's deputy, but for his attention to detail regarding evidence logged in with the Identification Bureau. Larry demanded that evidence be collected to the letter of the law. His demand for excellence made it nearly impossible for the evidence to be ruled inadmissible in trial. His precision to detail, his diligence, and his impeccable work ethic earned him the respect of his peers; however, they also knew that if evidence was poorly or improperly collected, they were sure to hear about it from Larry. His nominator stated that, ''Larry's ethics and diligence make the Sheriff's Office look better.''

When Larry's name was brought up for nomination, the selection committee voted unanimously in favor of honoring him with this award. In a true bureaucratic time frame, Larry was awarded the 2003 Staff Officer of the Year, during the beginning of November 2006, for outstanding performance of duty. He is a more than worthy recipient.

As a former judge and prosecutor, I have a great admiration and respect for our Nation's

law enforcement community. They are the men and women who spend each day on the front lines of battle, protecting communities and ensuring a safer society. Lt. Lawrence Garlock is the personification of what a law enforcement officer should be and should be used as an example of the type of officer every new officer should strive to become. I am truly honored to pay him his tribute.

That's just the way it is.

CREDIT REPORTS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. TOWNS. Mr. Speaker, My esteemed colleagues, thank you very much for the opportunity to talk to you about an important issue involving credit reports that will disproportionately harm low-income home buyers and put most small independent credit reporting agencies out of business within a month. The issue involves the ''joint use'' of credit reports for mortgages.

''Joint use'', ''secondary use'' or ''reissue'' refers to the long-standing practice recognized in the FCRA, by the Federal Trade Commission, and by the Office of the Comptroller of the Currency, which allows a credit report to be jointly used by multiple entities legitimately engaged with the origination of a mortgage at no additional cost. Joint use of credit report information is essential for the proper functioning of the mortgage banking, brokerage and financing industries and is an important process by which consumers shop for and obtain mortgage credit.

Recently, two of the credit repositories, Equifax and Experian, E&E have announced new mandatory fees and burdensome requirements for joint use of credit reports starting January 1, 2007. Consumers will now be burdened with paying multiple charges for the one-time access of their credit report in order to originate a single mortgage transaction. Unlike other credit industries, the mortgage credit reporting industry is required to depend on three-file merged credit reports provided by E&E and TransUnion. The proposed new policy will significantly increase mortgage origination costs. Costs for joint use of credit reports potentially increase by 100–300 percent. E&E will significantly increase their revenues while end users, resellers, and ultimately, consumers will pay the costs. In addition, consumers facing the highest cost increases will be those with credit challenges such as low income and first time homebuyers.

Further, about ninety percent of the independent credit reporting agencies will be unable to meet the additional contractual requirements being dictated by E&E. These credit-reporting agencies will be unable to access the credit data from E&E and therefore unable to provide the mandatory three-file merged credit reports. They will quickly be forced out of businesses due to these changes.

There is no new legislation, court case, regulatory decision or other external event to justify such action except to increase the revenues of these large companies at the expense of the consumer and to the detriment of small credit reporting companies.

The other repositories, TransUnion and Innovis, have not chosen to drastically alter the joint use procedure. TransUnion is evaluating its position and CBC Companies, the parent of Innovis, is challenging E&E's proposed new guidelines in federal court as a violation of U.S. antitrust laws.

The end user disclosure, joint use, requirements have been working well since they were enacted as part of the FCRA in 1997. The recent actions by E&E do little to combat the incidence of identity theft and increase data security. The main reason for these policies is to raise revenue and decrease competition. The effort to implement these new reissue/joint use procedures and fees needs to be stopped in order to maintain a level playing field, continue effective competition in the marketplace and provide fair and equitable access to capital for all Americans.

Any efforts by the major credit repositories to change the reissue process should not restrict competition. In order to protect both consumers and small, independent credit reporting agencies, E&E should make the following changes to their proposed reissue policies.

Continue to classify the GSEs, HUD and any other ancillary technology system that is part of the mortgage origination process as joint use, not the new created ''reissue'' or ''secondary use'' classification;

Allow credit-reporting agencies, at the direction of the end user of record, to reissue to any firm on one of the approved mortgage seller or servicer lists of Fannie Mae, Freddie Mac or HUD without end user documentation and site inspections; and

Designate a reasonable flat fee for reissue. Note: The changes to the 2003 FACT Act which included a free credit report to every American on an annual basis only required an $.11 per file price increase while E&E's proposed policy changes attempt to justify the charge of $1.05 to $3.50 per file.

Thank you very much for the opportunity to address this important topic. I strongly suggest that E&E reconsider the policies they plan to implement on January 1. Such policies will ultimately hurt the consumer and will have a disproportionate effect on low-income individuals. All Americans deserve the right to pursue the American dream of homeownership and should not be restricted to access to loans because of a policy intended solely to raise revenue for two large credit repositories.

PETER MORTON EMBRYONIC STEM CELL RESEARCH TESTIMONIAL

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I recently attended an event on stem cell research in Minnesota and had the opportunity to hear patient advocate, Peter Morton, speak. Mr. Morton shared his moving story which highlights the importance of expanding embryonic stem cell research. Stem cell research provides millions of Americans and their families with hope for a life without the pain and suffering that accompanies currently incurable diseases such as juvenile diabetes, Alzheimer's, Parkinson's, and spinal cord injuries.

Expanding this vital research must be a priority for Congress. I submit an edited version of Peter Morton's statement to the RECORD today as a valuable and powerful testimony to the need for this critical research.

EMBRYONIC STEM CELL RESEARCH TESTIMONIAL
10/17/06

Like more than 250,000 Americans, I am paralyzed from a spinal cord injury.

I've been paralyzed from the neck down and ventilator dependent since a bike riding accident in 1995. I wasn't going fast and the trail wasn't difficult. Likely due to some mud on the trail, my front tire slipped, and in an instant I was on the ground with a broken neck, paralyzed and unable to breathe. If not for quick action by my brother, I would not have survived. That day, I lost the lottery. Tomorrow, it could just as easily be you.

When I awoke the next day in the hospital, I couldn't move, I couldn't feel, my head was in traction, and I had tubes in my nose and mouth. All I could do was blink. In an instant I had lost all my cherished independence, having to rely on others for everything from simply a drink of water to all the indignities of one's morning routine.

Most people understand that paralysis means you can't move. What they don't realize is that it also means you can't feel. Further, all the body's systems are affected, causing temperature and blood pressure instability as well as sexual, bowel, and bladder dysfunction. In spite of all this, do you know what the toughest part for me is now? . . . not being able to touch my kids.

Now, more that any other time in history, there is hope. Embryonic stem cells hold the possibility of replacing the cells killed by the injury. Very promising studies are being performed around the world that demonstrate the potential of embryonic stem cells to solve paralysis and many other devastating illnesses. For humanitarian reasons, we simply must pursue this potential.

There is one other point that must be made. I cut my teeth in the business world. When I was injured, I was the CFO of a major brokerage operations company. In addition to their humanitarian benefit, stem cells have the potential to be the next medical industrial revolution. America has always been the leader in medical technology. Minnesota in particular has been called Medical Alley. America and Minnesota need to be leading the way in stem cell research, not sitting on the sidelines, watching the rest of the world pass us by.

In closing, let me offer this: A generation ago, pioneers in medical research developed in vitro fertilization, a technique that has now enabled my wife and me to have two beautiful children. My kids are living examples of the power of medical research.

I do not support slowing down the discoveries this research offers to millions, and allowing other countries to surpass America's leadership in medical technology.

That's why I am speaking out now, for the next generation. I don't want my children or anybody else's children to be told one day, ''You are paralyzed, and will never move again.''

I support those who champion this important research and thank them for helping change the future.

GEORGETOWN HONORS FATHER ROBERT DRINAN

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. FRANK of Massachusetts. Mr. Speaker, on October 23 one of the most accomplished

and distinguished people to serve in this House was the recipient of a wholly deserved high honor from one of the leading law schools in this country—Georgetown Law School. On that day, Georgetown Law School, where Father Drinan has taught since leaving the House 26 years ago, established the Robert F. Drinan, S.J., Chair in Human Rights. The establishment of this Chair—a very significant honor in academia—recognizes the pioneering work that Father Drinan did as a Member of this House for 10 years, and his continued commitment to that great work. Few people in our history have had as great a dedication to the cause of human rights and have been so consistently effective in advocating for this cause. Unlike many who have tried to make this a partisan issue, Father Drinan was equally fierce in his objection to human rights violators of the left, right and center, and accepted no excuses from those who would deny the basic rights of others.

Mr. Speaker, Father Drinan served here in this body for 10 years as one of its intellectual leaders, having been elected in 1970 as one of the most effective opponents at that time of the war in Vietnam. He also played a very significant role in the impeachment of President Nixon, insisting that appropriate legal standards be applied in that matter. He was also a leader in matters that did not divide the House on either partisan or ideological lines, for example in the field of copyright, where he made contributions during that period that remain important foundations of our law today.

Mr. Speaker, when Father Drinan declined to run for reelection in 1980 at the direction of Pope John Paul II, I was elected to succeed him. While I had been aware previously of the great respect and affection in which he was held by his colleagues, I came to appreciate that even more fully when I took the seat he had so ably filled in 1981.

In the years since leaving this body, Father Drinan has continued to be a leader in the application of religious teachings to important moral issues; in lecturing and teaching about the law; and of course in continuing his great work in the field of human rights. Georgetown Law School deserves recognition, Mr. Speaker, for establishing this Chair in Father Drinan's name. I congratulate Judge Thomas Buergenthal, who will be the first holder of the Chair, and I ask that the discussion of Father Drinan's work included in the program announcing the event be printed here so that people will understand how important his impact has been on the best traditions of our country.

ROBERT F. DRINAN, S.J., CHAIR IN HUMAN RIGHTS LAW

Today, Georgetown Law proudly announces the creation of the Robert F. Drinan, S.J., Chair in Human Rights. Priest, scholar, lawyer, politician, activist, ethicist, and one of the nation's leading advocates for international human rights, Father Drinan has dedicated his life to humanitarian causes and to improving the legal profession.

A member of the Law Center's faculty since 1981, Father Drinan teaches courses in international human rights, constitutional law, civil liberties, legislation, legal ethics, and professional responsibility. During his tenure at Georgetown, he has taught over 6,000 students.

Father Drinan earned his B.A. degree in 1942 and his M.A. degree in 1947 from Boston College and his LL.B. in 1949 and LL.M. in 1951 from Georgetown University Law Center. He entered the Society of Jesus while at Boston College, and in 1953, he was ordained a Jesuit priest. From 1956 to 1970, he served as Dean and Professor of Law at Boston College Law School. During the ten years between his deanship and joining the Georgetown Law faculty, he served in the United States Congress as a Representative from Massachusetts, where he was a member of various committees and chair of the Subcommittee on Criminal Justice of the House Judiciary Committee.

Throughout his career, Father Drinan has stood as a leading voice in the human rights movement. He serves on the boards of numerous organizations devoted to the furtherance of human rights, including the International League for Human Rights, Human Rights First, the Council for a Livable World Education Fund, Americans for Democratic Action, and the NAACP Legal Defense and Education Fund. He was a founder of the Lawyers' Alliance for Arms Control and the National Interreligious Task Force on Soviet Jewry. Father Drinan has traveled the globe, both as a member of Congress and as a private citizen, on human rights missions to Chile, the Philippines, El Salvador, Guatemala, Nicaragua, Argentina, France, and Vietnam to document human rights abuses and to work for their eradication. He is the author of several notable works on human rights, including The Mobilization of Shame, of which Elie Wiesel said, ''Anyone interested in human rights will read Robert Drinan's informative, passionate and challenging book with deep concern and hope.''

In 2004, Father Drinan joined such American legal luminaries as Oliver Wendell Holmes, Thurgood Marshall, and Sandra Day O'Connor when the American Bar Association awarded him its ABA Medal—the organization's highest honor which recognizes exceptionally distinguished service to the cause of American jurisprudence. The award citation notes, ''For more than half a century, Father Robert F. Drinan has been an esteemed and beloved leader of the bar and a fearless advocate for the powerless and oppressed around the world. . . . Throughout his career, Father Drinan has heeded the call for human rights and social justice. With unparalleled passion and dedication, he has strived to improve the plight of the disadvantage and oppressed, and to advance the rule of law throughout the world.''

Through the generosity of alumni and friends, Georgetown now recognizes and honors one of its greatest sons, Robert F. Drinan, S.J., L'49, L'51, with the creation of the Robert F. Drinan, S.J., Chair in Human Rights. This meaningful and lasting tribute will enable the Law Center to attract teachers, advocates, and scholars who share Father Drinan's passion and concern for liberty, equality of opportunity, and human dignity and who will inspire the next generations of Georgetown Law students to become leaders, protectors, and defenders of human rights.

PERSONAL EXPLANATION

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. NORWOOD. Mr. Speaker, on rollcall No. 524; Expressing the sense of the House of Representatives that Members of the House should actively engage with employers and the American public at large to encourage the hiring of members and former members of the Armed Forces who are wounded in service and are facing a transition to civilian life.

Had I been present, I would have voted ''yea.''

HONORING PAT WILLIAMS 45TH POSTMASTER OF DALLAS, TEXAS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor Ms. Pat Williams, who was recently installed as the 45th Postmaster of Dallas, Texas. In the role of Postmaster, Ms. Williams will be responsible for the daily operations of 44 stations and branches in the Dallas City ZIP Code area. Notably, Ms. Williams is also the first African-American woman to hold the position of Postmaster in Dallas.

A graduate of Prairie View A&M University, Pat Williams began her career with U.S. Postal Service in 1981, where she held a number of positions in both operations and support for over 10 years in Plant Operations. In 1985, she was promoted to supervisor of mails. In 1992, she crossed over to Customer Service Operations where she was assigned as Superintendent of Mails at Richland Station. Ms. Williams went on to supervise and manage several Dallas Stations and branches, and became the Lead Customer Service Operations Manager overseeing three Customer Service Operations Managers and their 44 stations and branches. In 2004 she became the District's Manager of Operations Program Support; overseeing the development and implementation of all District programs and projects.

Pat Williams truly earned this position through hard work and a strong commitment to customer service and her fellow postal workers. She is well respected amongst the postal employees and managers, as well as, the clerks and carriers.

Pat Williams has always been dedicated to excellence, and I am certain that this pursuit will continue in the form of outstanding operations and customer service for the people of Dallas. I am confident that Ms. Williams will successfully serve Dallas in her new role as Postmaster.

HONORING THE SODUS LIBRARY RANKED #1 IN THE NATION

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. WALSH. Mr. Speaker, I rise today to recognize the Sodus Library and their #1 ranking among libraries nationwide. Every year a list of the Nation's top 100 libraries is published. Hennen's American Public Library Rating Index looked at over 9,000 libraries and ranked them on various traditional services. This year, the public library of Sodus, New York ranked number one in its population category.

As we all know, libraries are an integral part to all communities. We have all experienced the benefits of libraries; whether as a small child in a reading club or as a young adult working on a research paper. It is an honor for

me and the people of Central New York to have the number one library in the Nation. I congratulate Sodus Librarian Carol Garland and her staff for all the hard work that has attributed to Sodus Library being considered the top in the Nation.

CONGRATULATING JACK McCROSKEY

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. UDALL of Colorado. Mr. Speaker, I rise today to congratulate Mr. Jack McCroskey for his exemplary public service to Colorado. Jack, with his foresight and strong leadership, has helped make the metropolitan Denver light-rail transit system a reality. His service in reviving public transportation is deserving of special recognition.

Mr. McCroskey, former Chairman of the Regional Transportation District, has long envisioned a regional transit system throughout the Denver metropolitan area. Today there are six lines in operation and more are expected to be built in the coming years. Initially Mr. McCroskey believed that the system could start small and move forward gradually as the public began to embrace it. In 2004 the public voted to expand the system with a region-wide sales tax increase.

I ask my colleagues to join with me in expressing our gratitude to Mr. McCroskey for his great contributions to Colorado. We recognize his leadership and vision in bringing public transportation to the Denver metropolitan area. I am proud to offer a long awaited recognition to Mr. McCroskey for his great accomplishments.

UNITED STATES-MEXICO TRANSBOUNDARY AQUIFER ASSESSMENT ACT

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. REYES. Mr. Speaker, I rise today in support of S. 214, the United States-Mexico Transboundary Aquifer Assessment Act of 2005.

The U.S.-Mexico border region presents us with one of our Nation's most challenging sets of policy priorities. We read headlines everyday about the issues of migration, national security, illegal drug trafficking, and trade and commerce, all of which are centered on our southern border. However, the nation often forgets about other issues by which we are affected on the border that are complicated by the binational nature of the communities in which we live.

S. 214 will help border communities in Texas, New Mexico, Arizona, and California as they approach an issue that will determine the viability of their communities to prosper indefinitely into the future: water. On the border, the question of water is not only one of negotiating resource allocation between countries, but also one of geography and scarcity. As we enter a century in which, according to many experts, wars between nations will be fought over water, not oil, S. 214 will offer an essential assessment tool to policymakers making strategic decisions about resource allocation.

Currently, although the U.S. and Mexico share information about surface water and other resources, no bilateral mechanism exists for cooperation and the sharing of information with regards to ground water. This lack of communication makes it difficult to ascertain the limitations and capabilities of those groundwater resources shared between the U.S. and Mexico.

The bill would provide for that mechanism by establishing a United States-Mexico transboundary aquifer assessment program to evaluate and model groundwater resources along the border. The program will develop an integrated approach to assess transboundary groundwater resources, prioritizing the aquifers for further analysis, and creating a geographic information system database for each priority aquifer. The bill would expand existing agreements between the U.S. Geological Survey, border states, the research institutes, and U.S. and Mexican authorities to conduct joint scientific investigations and produce scientific reports that will assist technicians and authorities in managing our most precious resource.

Located in the Chihuahua Desert, the vitality of my district of El Paso, Texas depends on the prudent management of our water resources. S. 214 will help us provide sustainable water resources for generations of Americans to come.

I urge my colleagues to join me in supporting S. 214.

SAN JOAQUIN RIVER RESTORATION SETTLEMENT LEGISLATION

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mrs. NAPOLITANO. Mr. Speaker, I am pleased to be an original cosponsor of Mr. RADANOVICH's legislation to authorize implementation of the San Joaquin River Restoration Settlement.

Enacting this legislation will allow the San Joaquin River—the second-longest river in California—to once again have the water it needs to support a viable salmon fishery. If enacted, the San Joaquin River will be a living river decades after the Bureau of Reclamation built Friant Dam.

Putting water back into a dry river in California is a very complicated and controversial task. A number of ''third parties'' have now come forward to express concerns that their own particular interests may in some way be detrimentally affected by this settlement and its proposed legislation, and ask that this legislation be restructured to eliminate or minimize their concerns. It is entirely appropriate that this legislation addresses those concerns. As we consider the implications of enacting this restoration legislation for the San Joaquin River and the need to protect a variety of interests, I am mindful of and remain committed to progress in implementing and funding the December 19, 2000, Trinity River restoration record of decision and the Hoopa Valley Tribe's comanagement of the decision's important goal of restoring the fishery resources that the United States holds in trust for the Hoopa Valley Tribe.

The San Joaquin River Restoration Settlement legislation is tremendously important for all of California. The settling parties, along with Senator FEINSTEIN, Congressman RADANOVICH, and many other concerned and affected parties have worked long and hard to bring this settlement to Congress all making concessions, and deserve our recognition and appreciation. I will continue to work with my colleagues and do whatever I can to help ensure the enabling legislation is enacted.

H.R. 4954, THE SAFE PORT ACT UNLAWFUL INTERNET GAMBLING AND ENFORCEMENT ACT PROVISIONS

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. BACHUS. Mr. Speaker, I would like to address the recent enactment of the Unlawful Internet Gambling and Enforcement Act of 2006. Internet gambling legislation has been a priority for this Congress the last several years. In 2003, I sponsored H.R. 2143, the Unlawful Internet Gambling Funding Prohibition Act and have cosponsored Mr. LEACH's Internet gambling bills in each of the last three Congresses. The Conference Report for H.R. 4954, the SAFE Port Act, which was enacted into law, reflects Mr. LEACH's Internet Gambling Prohibition and Enforcement Act, H.R. 4411.

Five years ago, there were less than 50 Internet gambling sites. Today, there are close to 2,000 sites that will generate upwards of $5.9 billion this year alone. The legislation that was enacted into law addresses the problem of illegal internet gambling through an enforcement mechanism. The new law does not change the legality of any gambling activity in the United States. The sole purpose of this law is to enforce against activities that are already illegal under the Wire Act and other Federal and State statutes. It enforces illegal gambling by preventing the use of any bank instrument—such as a credit card, check or electronic fund transfer—for Internet gambling.

Though online gambling has been illegal in this country from its inception—under state law, not just federal law—we have had serious problems enforcing these laws. The advantage and the disadvantage of the Internet is that it has no borders. Nothing can stop bets and wagers from being placed using a Web site hosted in another jurisdiction. When that bet or wager causes a violation of our laws, we had no effective means of enforcement until now.

Congress reviewed a number of possibilities to better enforce the law on the books. One enforcement option was to prosecute the gambler. However, enforcement against individual gamblers is a State prerogative under our federalist system. The Federal government has never claimed the authority to prosecute gamblers. And though gambling online is a misdemeanor in most States, it would be impossible for States to effectively enforce this way. The State would have to monitor people's

Internet usage, which raises serious constitutional issues.

Next, Congress considered ''notice-and-take-down'' measures to combat illegal Internet gambling. The Senate passed bills twice that would have authorized law enforcement to notify computer services when an illegal web site was using their services, and require them to take down or block the illegal site. Time has shown that blocking just about anything on the Internet simply does not work, though take-down orders do work for web sites hosted by domestic companies. So we have retained the notice-and-take-down option in the new law where it has a chance of being effective—for gambling web sites hosted or advertised by Internet companies based in the United States.

But take-down orders, and prosecuting gambling businesses that violate State and Federal laws, are completely ineffective for Web sites hosted offshore. The U.S. legal system cannot reach offshore companies, even though their Web sites can reach U.S. consumers. So the gambling operators deliberately locate in jurisdictions that will not cooperate with the U.S. Here, existing laws reach the end of the rope.

We concluded that the only real option, if we want to enforce our gambling laws in the age ofthe Internet, is to block the financial transactions that pay for illegal online gambling. Banks and payment systems located in the United States are fully within the reach of Federal law, and U.S. citizens usually have to go through them to send money over the Internet. So requiring payment systems to put in place blocking procedures allows us to effectively and efficiently stop the flow of money, even when the gambling business itself is beyond the long arm of our law. Without the money, gambling simply cannot happen.

We needed to pass this law because it is the only way we can effectively enforce State and Federal gambling laws when offshore Web sites offer illegal services to our residents. This is also why the Department of Treasury and the Federal Reserve Board need to write strong regulations that will not be easily evaded. I am proud to have supported this vital law, and I look forward to working with the regulators to ensure they properly reflect Congress's intent. My only regret is that my friend and colleague JIM LEACH will not be here to assist Congressman GOODLATTE and others in our continued efforts.

IN RECOGNITION OF JUDITH H. HOPE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to Judith H. Hope, an outstanding New Yorker who has devoted herself to public service and to civic and political engagement. Ms. Hope's tremendous contributions to American civic life are being recognized this month by the well-known and widely respected public policy advocacy organization, Citizen Action of New York. At a ceremony on December 6, 2006, Ms. Hope is being honored by Citizen Action with its Progressive Leadership Award. Also being similarly honored are our distinguished colleague and the dean of the New York State congressional delegation, the Honorable CHARLES RANGEL, and Mr. Bob Masters, a dedicated leader of the Communications Workers of America.

A lifelong activist devoted to the highest ideals of the Democratic Party, Judith J. Hope has exhibited strong, effective and graceful leadership while holding a series of important positions of leadership in the world of politics and public policy. As a founder of the Eleanor Roosevelt Legacy Committee, an organization dedicated to promoting women's candidacies for local and public office, Judith Hope has encouraged and inspired new generations of women to become deeply involved in public policy and the political process. Since its founding in 2001, the Eleanor Roosevelt Legacy Committee has provided crucial financial, educational and political support to hundreds of women, of whom 285 were successfully elected to public office.

Judith Hope became immersed in public service at an early age. Born and raised in Arkansas, she learned critical lessons and insights from her father, the Speaker of the Arkansas House of Representatives, and her mother, a respected writer and journalist.

After moving to New York, Judith Hope became a civic and community leader and married Thomas A. Twomey, Jr., a Long Island attorney and environmental leader. In the face of tremendous political odds, she was elected Town Supervisor in East Hampton in 1973, the first woman ever to hold that office on Long Island, and the first Democrat to do so in modern history. In 1976, Governor Hugh Carey named her the first woman gubernatorial Appointments Officer in the history of the Empire State. In 1983 and 1985, she was again elected East Hampton Town Supervisor, a position that afforded her national recognition for her innovative and effective policies to preserve open space and environmentally sensitive land. In the political realm, she was elected to the Democratic National Committee in 1989.

Following the election of Mario Cuomo as Governor, Hope became an instrumental figure in the leadership of the New York State Democratic Committee. In 1995, Judith was elected chair of the State committee, becoming the first woman to head a major political party in New York State. She served in that capacity for 7 years and was justly celebrated for her tremendous abilities and effective leadership.

Mr. Speaker, I ask that my distinguished colleagues join me in recognizing the enormous contributions to our civic and political life made by Judith Hope, a true leader in the finest traditions of our great republic.

HONORING STEWART MANOR SCHOOL

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mrs. MCCARTHY. Mr. Speaker, I rise today to recognize Stewart Manor School for having received the prestigious Blue Ribbon School award. The Blue Ribbon Schools Program recognizes schools that make significant progress in closing the achievement gap or whose students achieve at very high levels. Stewart Manor School has high expectations. It ranks in the top 10 percent in the State of New York in math and English scores. Stewart Manor School has proven it has outstanding instruction, teacher training and student achievement.

The future of this country depends on the hopes and dreams of its children, and our community and our Nation are enhanced by the contributions of high achieving students like those at Stewart Manor School.

Mr. Speaker, it is with pride and admiration I offer my thanks and recognition to Stewart Manor School.

SEARCHING FOR VICTORY IN IRAQ

HON. JOHN B. SHADEGG

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. SHADEGG. Mr. Speaker, I recommend to the American public an editorial by former Speaker of the House Newt Gingrich and request that it be included in the RECORD.

Published in the Weekly Standard on November 28, Mr. Gingrich's piece makes some very important points about the significance and necessity of our victory in Iraq. In comparing our current situation in Iraq to that which George Washington faced during the winter of 1776, Mr. Gingrich concludes that Washington's motto ''Victory or Death'' is the motto we must apply to Iraq.

As we review the Iraq Study Group's (ISG) recommendations, Mr. Gingrich is wise to urge that we examine them closely and ask questions. Most essentially, we must ask whether or not the suggestions will ''make a real contribution in helping us win the war against the fanatical wing of Islam. Or will it be simply one more establishment effort to hide defeat so the American political system can resume its comfortable insider games without having to solve real problems in the larger world?''

As I have argued for some time now, Iraq is a pivotal juncture in the Global War on Terror. Iraq is about the larger global war against Islamo-fascists that want to destroy America. Like our former Speaker, I realize that our current approach to Iraq is not working. However, we must disregard any ISG recommendations to abandon Iraq or set a timeline for withdrawal, both of which will only serve to inspire violence from our enemies and distrust from our allies. This is not the time, nor the place to try to save political face. A retreat at this time would have consequences beyond what we can imagine. This is the time and the place to decisively win, to work together as Americans, and defeat terrorists on their turf before they can return the fight to ours.

I urge my colleagues and the American people to read Mr. Gingrich's insightful piece.

[From the Weekly Standard, Nov. 28, 2006]

(By Newt Gingrich)

SEARCHING FOR VICTORY IN IRAQ—WHY THE BAKER-HAMILTON COMMISSION OUGHT TO VISIT MOUNT VERNON.

The Sunday before Thanksgiving Callista and I took some friends to Mount Vernon to see the new education center. It is an amazing tribute to George Washington and the creation of America.

We watched a movie about George Washington crossing the Delaware on Christmas

Eve and surprising the Hessians (German mercenaries) on Christmas Day in Trenton. As I watched, I was struck by the amazing difference between the attitude of the father of our country and the current attitudes in the city that bears his name.

General Washington had had a long and painful summer and autumn of defeat in 1776. His American Army had been defeated across New York—in Brooklyn, in Manhattan, and in White Plains—and then driven across New Jersey and forced to flee across the Delaware River into Pennsylvania.

Washington's Night Crossing: ''Victory or Death''

Washington's forces had dwindled until he had only about 4,000 effective soldiers left. There were another 6,000 men present but they were so sick they were unable to go into battle.

Faced with declining morale, rising desertions, the collapse of political will in the country at large, and a sense of despair, Washington decided to gamble everything on a surprise attack. It would require a night crossing of an icy river against a formidable professional opponent.

But the most telling sign of Washington's mood as he embarked on the mission was his choice of a password. His men said ''victory or death'' to identify themselves.

What if There Had Been a Baker-Hamilton Commission Advising General Washington?

That night crossing, immortalized in paintings of Washington standing in the boat as Marblehead Fishermen rowed him across the ice strewn river, led to an amazing victory on Christmas Day. That victory led to a surge in American morale and a doubling in the size of the American forces under Washington within two weeks. And that gave Washington the strength to win a second surprise victory at Princeton.

Within two weeks, Washington had gone from defeated, hopeless bungler to victorious American hero and personification of the American cause.

Imagine there had been a Baker-Hamilton commission—the group charged with assessing our options in Iraq—advising Washington that cold Christmas Eve. What ''practical, realistic,'' advice would they have given him? Eleven Key Tests for the Baker-Hamilton Report.

Will the Baker Hamilton Commission make a real contribution in helping us win the war against the fanatic wing of Islam? Or will it be simply one more establishment effort to hide defeat so the American political system can resume its comfortable insider games without having to solve real problems in the larger world? Here are some key things to look for in its report:

(1) Does the commission have a vision for success in the larger war against the dictatorships and fanatics who want to destroy us?

If Iraq were only a one-step process, the answer would be to leave. But the reality is that Iraq is a single campaign within a much bigger war and within a power struggle both over the evolution of Islam and over the rise of dictatorships seeking nuclear and biological weapons to enable them to destroy America and her allies. If the Baker-Hamilton commission does not take this into account, it is a dangerously misleading report.

(2) Does the commission recognize that the second campaign in Iraq has been a failure?

This is the hardest thing for Washington-centric bureaucracies to accept. There was a very successful 23-day campaign to drive Saddam out of power. It used America's strengths and it worked. The second campaign has been an abject failure. We and our Iraqi allies do not have control of Iraq. We cannot guarantee security. There is not enough economic activity to keep young males employed. If the Baker-Hamilton commission cannot bring itself to recognize a defeat as a defeat, then it cannot recommend the scale of change needed to develop a potentially successful third campaign.

(3) Does the commission recognize the scale of change we will need to be effective in a world of enemies willing to kill themselves in order to kill us?

We need fundamental change in our military doctrine, training, and structures, our intelligence capabilities, and our integration of civilian and military activities. The instruments of American power simply do not work at the speed and detail needed to defeat the kind of enemies we are encountering. The American bureaucracies would rather claim the problem is too hard and leave because being forced to change this deeply will be very painful and very controversial. Yet we have to learn to win. Learning. to win requires much more than changes in the military. It requires changes in how our intelligence, diplomatic, information, and economic institutions work. It requires the development of an integrated approach in which all the aspects of American power can be brought to bear to achieve victory. Furthermore this strategy for victory has to be doubly powerful because for three years we have failed to build an effective Iraqi government and we now have a shattered local system with many players using violence in desperate bids to maximize their positions. The plan has to be powerful enough to succeed despite Iraqi weaknesses and not by relying on a clearly uncertain and unstable Iraqi political system.

(4) Does the commission describe the consequences of defeat in Iraq?

What would the withdrawal of U.S. troops in Iraq look like? Frederick Kagan of the American Enterprise Institute recently offered this chilling picture: ''The pullback of U.S. forces to their bases will not reduce the sectarian conflict, which their presence did not generate—it will increase it. Death squads on both sides will become more active. Large-scale ethnic and sectarian cleansing will begin as each side attempts to establish homogeneous enclaves where there are now mixed communities. Atrocities will mount, as they always do in ethnic cleansing operations. Iraqis who have cooperated with the Americans will be targeted by radicals on both sides. Some of them will try to flee with the American units. American troops will watch helplessly as death squads execute women and children. Pictures of this will play constantly on Al Jazeera. Prominent 'collaborators,' with whom our soldiers and leaders worked, will be publicly executed. Crowds of refugees could overwhelm not merely Iraq's neighbors but also the [Forward Operating Bases] themselves. Soldiers will have to hold off fearful, tearful, and dangerous mobs.''

(5) Does the commission understand the importance of victory? Winning is key. We are in a power struggle on a worldwide basis with dictators who want to defeat us (Iran, Syria, Venezuela, Cuba, North Korea) and with fanatic organizations that want to kill us (al Qaeda, Hezbollah, Hamas, etc.). In a struggle like this, the goal has to be to win. Anything less than victory is very dangerous because it allows our enemies to gather more capabilities and prepare for more dangerous campaigns. Time is not on our side. Time is on the side of those seeking nuclear and biological weapons to use against the civilized world.

(6) Does the commission define what it means to win or simply find a face-saving way to lose?

Winning is very definable. Can we protect our friends and hurt our enemies? Are they more afraid of us or are we more afraid of them? The recent Syrian assassination of a Lebanese Christian leader who was pro-Western is a signal that they are not afraid of us. The North Korean decision to launch seven missiles on our Independence Day and to set off a nuclear weapon were signs they have contempt for our warnings. The statements of Ahmadinejad and Hugo Chavez indicate how confident they are. Today the enemy thinks they are winning and our elites seem to be seeking face-saving cover behind which to accept defeat. Does the Baker-Hamilton commission have a proposal for victory or a proposal for accepting defeat gracefully? Will it offer a diplomatic deal allowing us to pretend we are okay while our enemies gather strength?

(7) Does the commission acknowledge that winning requires thinking regionally and even globally?

In Afghanistan we are engaged in an Afghanistan-Waziristan war in which our enemies retreat into Waziristan in northwest Pakistan and rearm, reequip, retrain, and rest before coming back into Afghanistan. We will never win that war by engaging only in Afghanistan. In Iraq, the problems may require much more direct confrontation with Iran and Syria. In Lebanon, it is impossible to create a stable democratic government and disarm Hezbollah as long as Syria and Iran are deeply involved in killing Lebanese leaders and supplying Hezbollah.

(8) Any proposal to ask Iran and Syria to help is a sign of defeat. Does the commission suggest this?

Iran and Syria are the wolves in the region. They are the primary troublemakers. You don't invite wolves into the kitchen to help with dinner or you become dinner. The State Department Report on Terrorism in April 2006 said: ''Iran and Syria routinely provide unique safe haven, substantial resources and guidance to terrorist organizations.'' It went on to say, ''Iran remained the most active state sponsor of terrorism.'' It noted that in Iraq the Islamic Revolutionary Guard Corps (an arm of the Iranian dictatorship) ''was increasingly involved in supplying lethal assistance to Iraqi militant groups which destabilize Iraq.'' How can the Baker-Hamilton commission seriously suggest that two dictatorships described like this are going to be ''helpers'' in achieving American goals in the Middle East?

(9) Does the commission believe we can ''do a deal'' with Iran?

The clear effort by the Iranians to acquire nuclear weapons, and Ahmadinejad's assertion that it is easy to imagine a time in the near future when the United States and Israel have both disappeared, should be adequate proof that the Iranian dictatorship is the active enemy of America. Couple that with the fact that the Iranians lied to the International Atomic Energy Agency for 18 years while trying to develop a nuclear weapon. Either this is a dangerous regime we need to fundamentally change, or it is a reasonable regime with which we can deal. Presidential speeches and State Department documents clearly indicate it is a dangerous regime yet, there is a permanent Washington establishment desire to avoid conflict and confrontation by ''doing a deal.'' In the 1930s, that model was called appeasement, not realism, and it led to a disaster. We need a Churchill not a Chamberlain policy for the Middle East.

(10) Does the commission believe we are more clever than our enemies?

The al-Assad family has run Syria since 1971. Hafiz Assad arranged for his son Bashar to succeed him. This family and its Alawite supporters represent a small minority of the Syrian people, but they maintain a relentlessly tough internal dictatorship which keeps power in their hands. In some ways,

there are parallels between Bashar Assad and Kim Jong Il—they both maintain family dictatorships with the support of a key system of internal controls. After 35 years of defying the United States, there is no reason to believe our diplomats are more clever than their ruthlessly survivor-oriented systems. Negotiating with them is an invitation to be taken to the cleaners and to extend the power and prestige and influence of our mortal enemies in the region. Recent talk of reaching out to Syria has been met by the assassination of a Lebanese minister and the intensifying of the Hezbollah blackmail tactics in Lebanon. Weakness from America leads to greater aggression from our enemies. The Baker-Hamilton commission should focus on how to contain or defeat Syria not on how to rely on them for help.

(11) Does the commission recognize the importance of working with the Democratic majorities on a strategy for victory?

The Democratic victory in the 2006 election should not be used as an excuse to do the wrong thing. The Democrats are now confronting the responsibility and burden of power. Given the right information about Iran, Syria, and Iraq there is every reason to believe a bipartisan majority can be formed in both the House and Senate for a rational strategy for victory. Opposition to continuing the failed second campaign should not be translated into opposition to an American victory. The Bush administration should reach out to moderate Democrats and forge a bipartisan agenda for victory and by March 2007 pass a bipartisan resolution for victory in Iraq and for stopping Iranian efforts to get nuclear weapons. That will then set the basis for appropriations to continue the effort. The passage of a solid bipartisan bill in March would send a signal to the world that Americans are overwhelmingly in favor of defeating terrorism and defending America. That will dramatically lower the morale and confidence of our enemies.

These 11 steps would be a powerful basis on which to move forward in Iraq and in the world. What's more, they reflect the spirit of General Washington when he chose ''victory or death'' as the motto of the campaign which led to the founding of America despite overwhelming odds.

STEVEN JACKSON, GOOD SAMARITAN

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. POE. Mr. Speaker, every day we hear of rising crime rates and countless acts of criminal activity. The question is often asked—Is there any good left in the world? On December 5, 2006, in the city of Humble, Texas, a man by the name of Steven Jackson showed us all that goodwill still exists.

On the evening of December 5, an evildoer, without regard for human life, went into a Humble gas station with a gun. This man robbed the attendant at gun point, took a few hundred dollars, and forced her to wait in the back room until he escaped.

After the robber left the gas station, the attendant went outside and saw him walking across the street to his getaway car. Upon this discovery, she started screaming that the man had robbed her and was getting way, which caught the attention of Steven Jackson.

Steven Jackson, a volunteer firefighter with the Kingwood and Porter volunteer fire departments, had been filling up his car that evening—a routine action we all do. On this evening, while doing an ordinary task, Steven decided to do something extraordinary. As the attendant pleaded for help, Steven got into his car and began following the robber while calling 911.

According to the Humble Police Department, it appears that the criminal knew Steven was following him. At some point, a few miles from the gas station, the robber stopped his car, approached Steven's car, and shot him twice in the torso.

As Steven's car left the road, he was able to tell the 911 dispatcher that he had been shot. Unfortunately, those words were the last this world would ever hear from Steven Jackson—his life cut short for a few hundred dollars.

The fine officers of the Humble Police Department are currently investigating this case. The outlaw who took Steven's life is still at large. It is my hope that he is brought to a swift and fitting justice.

That's Just the Way It Is.

IN HONOR OF HAROLD HURVERS AND THE 194TH LIGHT TANK BATTALION

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today to honor the bravery and determination of Minnesota men who served in the U.S. Armed Forces in the Philippines during World War II. In particular, I want to note the contributions of the 194th Light Tank Battalion.

On Easter Monday, 1941, 83 St. Paulites reported for induction into the U.S. Army, joining 163 men from Hennepin County. Seventy-seven of these men joined the 194th stationed at Fort Lewis, Washington. They were trained and deployed to the Philippine Islands.

At 12:30 p.m. on December 8, 1941, the day after the attack on Pearl Harbor, the Philippine Islands were attacked by Japanese planes, placing U.S. Armed Forces on wartime status. The air strikes destroyed U.S. airplanes stationed at Clark Field, leaving U.S. forces and Philippine Scouts trapped and with few supplies. Despite these great hardships, the 194th Light Tank Battalion fought on bravely for the next four months, delaying the Japanese offensive. Ultimately, U.S. forces were forced to evacuate to the Bataan Peninsula after relentless attacks by Japanese forces. April 9, 1942 marked the beginning of the notorious Bataan Death March.

Following heavy land attacks and after withstanding hundreds of raids from the air by Japanese forces, the Fall of Corregidor, forced American forces to surrender on May 6, 1942. Courageous American forces held out in spite of supply shortages, hunger, disease, and exhaustion. In the days that followed, many Minnesota military personnel from the Army, Navy, Marines, Air Corps, and the Nurse Corps were added to the rolls of prisoners of war. More than 75 percent of the men who were in service December 8, 1941 perished.

Those who survived faced 3½ years of imprisonment until they were liberated in August and September, 1945.

Many veterans of the Philippine Campaign, the Bataan Death March and Japanese Prisoners of War are known only to history, their individual identities lost in the aftermath of war, but I want to recognize Harold Hurvers of St. Paul, the last survivor of the draftees. Through his stories of this horrific ordeal, Americans can learn volumes about the great sacrifices made by our veterans. All Minnesotans, indeed, all Americans owe Mr. Hurvers and all veterans a debt of gratitude for their service.

Mr. Speaker, please join me in honoring Mr. Hurvers and the Minnesota Draftees of the 194th Light Tank Battalion.

PERSONAL EXPLANATION

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. NORWOOD. Mr. Speaker, on rollcall No. 525, Nonprofit Athletic Organization Protection Act, had I been present, I would have voted ''Yea.''

HONORING WOMEN'S FEDERATION FOR WORLD PEACE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to honor and applaud the Women's Federation for World Peace, USA for their commitment to women and world peace. This extraordinary organization provides women with the opportunities to create peace around the world. Their remarkable work highlights and enhances the role of women in establishing a world without terror and violence.

In these troubling times, the cries for peace on Earth are needed more than ever. Women's Federation for World Peace continues their fight by bringing women from all walks of life together to conquer a common goal. Their outstanding dedication and strong will to the enhancement of the world's women and peace will no doubt serve as a valuable component throughout the world.

As women we must be persistent, vigilant, and a strong force to help rid the world of violence. Although change will not come from one group, gender, or political party, but from all who are interested in helping to create a better world. An organization as the Women's Federation of World Peace is just one illustration in helping to create a better world for all of us.

Mr. Speaker, I want to personally thank the Women's Federation for World Peace for their dedication and commitment they have put forth. I truly admire this organization for improving the world's women and peace throughout the world.

TRIBUTE TO RON HOLLIDAY

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to Mr. Ron G. Holliday. Mr. Holliday will be retiring as County Manager of Summit County, Colorado, on January 5, 2007, after having served 4½ years in this position. Prior to his position in Summit County, Mr. Holliday served 5 years as the County Administrator for Jefferson County, Colorado. Before his county government experience, Mr. Holliday served over three decades as Director of State Parks in Texas, Colorado and Montana.

Together, these years of exemplary service by Mr. Holliday amount to nearly four decades working for the citizens and environment of many Colorado and other western communities.

As Summit County Manager, Mr. Holliday worked on issues related to forest health, the present bark beetle epidemic, increasing growth and development in this county along the critical Interstate 70 corridor, ski area and tourist management, as well as roadless issues in our national forests. He brought a collaborative spirit to all of these endeavors, and the citizens of Summit County have a thriving economy and a roadmap to help address future issues and needs.

As County Administrator for Jefferson County, Colorado, Mr. Holliday oversaw more than 1,200 employees and was responsible for daily operations and a $344 million annual budget. He was serving this county at a time of significant growth, resulting in challenging transportation needs. To address this, he structured a multi-agency intergovernmental agreement for crucial transportation planning. He also helped guide the $150 million open space acquisition program and helped win passage of a voter approved $160 million open space bond issue.

Mr. Holliday also helped coordinate the county's administrative response to the tragic Columbine High School shooting. This incident garnered worldwide attention, and Mr. Holliday was part of the county's coordination team to manage the fallout from this unfortunate incident.

Prior to his work with Jefferson County, Mr. Holliday was Director of State Parks for the State of Texas for 5 years. At this position he oversaw 140 State parks with natural, recreational and historic significance encompassing 600,000 acres. He developed strategic plans for these attractions and tripled the revenue in 3 years. He also worked to create three new parks under his management.

Mr. Holliday secured similar achievements as Director of Colorado State Parks where he worked for 7 years. He increased the revenue of this office and developed strategic plans and longrange visions to our State's impressive park system. He got his start in this work for open space protection and visitor enjoyment working as State Park Director for Montana prior to working for State Parks in Colorado.

Throughout his work for open space, parks and county government, Mr. Holliday has brought a keen appreciation of the importance of preserving a quality environment and thriving economy for the benefit of the local communities he served as well as the entire States and Nation. His dedication to public service and his communities stands as a model for future managers and directors who act as stewards of our lands and communities.

Mr. Speaker, I ask my colleagues to join me in thanking Mr. Holliday for his dedicated, collaborative service. I wish him the very best in his future endeavors and continued contributions.

A TRIBUTE TO GEORGE MANIAS OF PEORIA, ILLINOIS

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. LAHOOD. Mr. Speaker, I rise today to pay tribute to George Manias, a man who is a legend in my hometown of Peoria, Illinois.

Yesterday, George Manias celebrated the 60th anniversary of the opening of his shoeshine business in Peoria. George Manias is the true personification of the American dream. The son of Greek immigrants who spoke no English when he came to Peoria, he was just 16 years old when he opened his business. From that first day in the corner of a downtown barbershop, George has worked tirelessly to make his shop a great success.

George has shined the shoes of countless people, from his fellow Peorians to former Presidents Gerald Ford and Ronald Reagan. The walls of his shop are covered with photos and clippings of the more famous of his customers, but each customer is special to George. His pride in his workmanship and his love of people are evident no matter who walks through his door.

This week, the Peoria City Council honored George with a resolution commemorating his 60th anniversary, and tonight, there is a big celebration planned for him. I want to add my congratulations to George and his family on reaching this milestone in his career. George Manias is truly the pride of Peoria.

HONORING THE DEPARTING FLORIDA MEMBERS OF THE HOUSE

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to recognize the four departing Members of the Florida Delegation. These Members, MIKE BILIRAKIS, JIM DAVIS, KATHERINE HARRIS, and CLAY SHAW, are leaving with a combined 64 years of congressional service. Our State is losing dedicated public servants who have worked on behalf of their constituents and the Nation. Their input will be sorely missed in the 110th Congress.

MIKE BILIRAKIS is a shining example of heartfelt dedication to veterans' issues and is someone whose passion for veterans is hard to duplicate. Having shared many flights back and forth to DC with MIKE, I can tell you that I learned a great deal from him during my time in Congress.

I always found JIM DAVIS to be a thoughtful, respectful, and thought-provoking Member of Congress. I enjoyed serving with him because of his southern genteel manner.

KATHERINE HARRIS brought an amazing amount of energy to the House. We served together on the Financial Services and Homeland Security Committees, where I saw her dedication to the issues and the people of Florida. She is especially known for helping those looking to join the ranks of homeowners by fighting to pass the American Dream Downpayment Act.

CLAY SHAW worked tirelessly to find alternative approaches for preserving Social Security for future generations. While never the most flashy Member, CLAY was instead known for his legislative accomplishments as a senior member of the Ways and Means Committee. Not only was he was the foremost proponent to save the Everglades, CLAY made America a better place by helping push welfare reform through Congress.

While each of these public servants will be replaced in the 110th Congress, their memories will not be forgotten. MIKE, JIM, KATHERINE, CLAY, we will miss you up here in Washington and wish you the best of luck in your future endeavors.

TRIBUTE TO A DEMOCRACTIC TAIWAN

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. MCCOTTER. Mr. Speaker, today I rise to honor and acknowledge Taiwan's democratic practices and respect for human rights.

For 20 years, Taiwan's promotion of liberty, the rule of law, freedom of the press, an independent judiciary, and associative rights have contributed to the creation and continuation of a mature democracy. Through electoral competition which expanded their rights and innovative legislation which improved the lives of the Taiwanese citizenry, over time democratic practices, institutionalized democracy, and fostered the Nation's emancipation from authoritarian rule; and ensured the Nation's allegiance to liberty and justice.

Mr. Speaker, over the years, Taiwan has been a staunch ally of the United States and a responsible member of the community of nations. Thus, today, I ask my colleagues to join me in commending the people of Taiwan for establishing a flourishing, multi-party democracy and for their dedication to democratic ideals and human rights.

IRISH-AMERICAN HERITAGE MONTH

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. GARRETT of New Jersey. Mr. Speaker, I rise in support of the resolution calling for a month to remember the significant achievements and contributions that Irish-Americans have made to our Nation.

Throughout our more than 200 years of history as a Nation and during our colonial period, countless immigrants from the Emerald

Isle have arrived on our shores. Irish-Americans have been instrumental in building up our strong, free, and prosperous Nation at every turn in our Nation's rich history. Despite initial discrimination, Irish-Americans used the freedom and opportunity of the United States to build strong communities and businesses and prove themselves great Americans.

Though many Irish came to American shores with little but the clothes on their backs, their hard work and integrity made them great American leaders. While we are all aware of President Kennedy's pride in his Irish heritage, 18 other presidents are of Irish descent including Andrew Jackson, Woodrow Wilson, and Ronald Reagan.

There is a great legacy of Irish-American service in our military with many recipients of the Congressional Medal of Honor claiming Irish heritage or birth. Irish immigrants have contributed significantly in our Armed Services as well, ensuring full freedom for all Americans.

While many Americans remember their Irish heritage on St. Patrick's Day, because of the great contribution of Irish-Americans to our Nation, it is fitting that we dedicate an entire month of ceremonies and celebrations to their achievements.

TRIBUTE TO BUSINESSES IN MARIN COUNTY, CALIFORNIA THAT DO NOT SELL TOBACCO PRODUCTS

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Ms. WOOLSEY. Mr. Speaker, I rise today to honor the businesses in Marin County, California, that have stopped selling tobacco products in order to protect the health of the public.

Recently, I attended an event with the American Heart Association at Mollie Stone's Market in Greenbrae to officially announce the removal of all tobacco products in their Bay Area stores, including two in Marin County. At that time, Michael Stone, cofounder Mollie Stone's, said, ''I don't think there's been a company our size taking this proactive action . . . we did it for health reasons for the community.'' The American Heart Association described this as ''an aggressive, positive approach to help stop the spread of smoking.''

Larry Meredith, Director of Marin County Health and Human Services, added, ''Tobacco is the No. 1 cause of preventable death in the United States today . . . The decision by Mollie Stone's to go tobacco free is another jewel given to the community.'' A survey by this department found that other stores are considering the same move, citing concerns for general public health and youth smoking. Two years ago when United Markets, a small Marin independent chain, pulled their tobacco products, coowner Bill Daniels announced that ''it's just the right thing to do.''

Other Marin County stores that have decided it's the right thing to do are: AG Ferrari Foods, Golden Gate Pharmacy, Golden Point Produce/Tomales Bay Foods, Good Earth Natural Foods, Cornucopia Gourmet Deli, Elephant Pharmacy, Jack's Drug Store, Kaiser, Marin Medical Pharmacy, Pharmaca Integrative Pharmacy, Paradise Foods, Peoples Market, Pueblo Latino Market, Olema Liquor and Deli, Ross Valley Pharmacy, Royal Coach Car Wash, Target, Trader Joe's, Western Sport Shop, and Whole Foods.

The County of Marin is also setting an example in protecting public health. For example, with funding from a tobacco settlement agreement, the Department of Health and Human Services has developed a program to crack down on illegal sales of tobacco products to minors, and the Board of Supervisors recently passed an ordinance expanding smoking bans to outdoor public gathering spaces such as parks and ATM lines.

Mr. Speaker, we all know that smoking is a major cause of diseases that are hurting public health, straining our medical system, and putting millions of individuals at risk. I commend these businesses and the County of Marin for their courage and foresight in responding to this threat by limiting tobacco use and availability, and I honor all businesses that add their names to this growing list.

PERSONAL EXPLANATION

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. NORWOOD. Mr. Speaker, on rollcall No. 526; Unborn Child Pain Awareness Act. Had I been present, I would have voted ''yea''.

TRIBUTE TO DON TALLEY

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. THOMAS. Mr. Speaker, I rise today to pay tribute to my friend, Don Talley, who was both a nationally recognized leader in the agriculture industry as well as a local community leader. Sadly, Don passed away on Saturday, December 2, 2006, at the age of 66, and I extend my heartfelt sympathy to Don's wife, Rosemary, his son, Brian, and the rest of his family for their loss.

Don was president and a coowner of Talley Farms, a specialty crop operation in the Arroyo Grande area, which I represent. Founded in 1948, under Don's auspices, Talley Farms grew to encompass more than 1,150 acres. In 1982, he established Talley Vineyards, which produces a collection of fine wines. Over his lifetime, Don successfully worked to build Talley Farms and Vineyards into nationally respected entities. Talley Farms grew a variety of specialty crops and was especially renowned for growing the best bell peppers.

As president of Talley Farms, Don established and implemented environmentally sound farming practices, developed innovative agricultural techniques for growing, harvesting, and packaging produce, and was noted for treating his employees well. Moreover, Don served in leadership positions with the Western Growers Association, Ag Box, the Council of California Growers, the California Agriculture Leadership Foundation, and Farm Credit West.

One of Don's hallmark legacies was his strong personal leadership efforts to improve relations between the California agriculture industry and local communities. Notably Don was named Agriculturist of the Year in 1992 by the County of San Luis Obispo Farm Bureau and was voted Grower of the Year in 2004 by the Western Growers Association. In addition to Don's leadership in the agricultural industry, he served on the Arroyo Grande City Council and as mayor from 1974 to 1976. He also was a commissioner for the Parks and Recreation Commission and a member of the Cuesta College Board of Trustees.

Don will be remembered not only for his leadership and achievements, but also for his community service, selflessness, and compassion for his employees. California agriculture suffered a significant loss with the death of Don Talley.

TRIBUTE TO MRS. NANCY ROBERTS GARRITY

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Mrs. Nancy Roberts Garrity, a teacher at St. John Fisher School and recipient of the National Catholic Educational Association's Distinguished Teacher Award. Mrs. Garrity will receive her award at the NCEA annual conference on April 10, 2007. She was selected out of a pool of more than 100,000 nominees.

The National Catholic Educational Association (NCEA), the largest professional association in the world, offers guidance and educational services to its 200,000 members. During the Fall of each year, every member school is invited to nominate one teacher for the Distinguished Teacher Award. This award was established in honor of Sister Miriam Joseph Farrell, who served as executive secretary of the NCEA's Department of Elementary Schools. The NCEA divides the country into 12 geographic regions, with one teacher in each region receiving this award.

St. John Fisher School is located in Chicago's West Beverly neighborhood. This parochial school provides educational opportunities for preschool through eighth grade students, where teachers serve as influential figures in developing students' lives.

Mrs. Garrity is guided by the belief that each student uniquely contributes to her classroom. She utilizes creative teaching methods in order to cater to individual educational needs. For example, when teaching her class about A Christmas Carol, she plays the part of Jacob Marley's ghost, complete with chains and a ghostly voice. During the poetry section of her reading class she dresses up as a hippie. Mrs. Garrity's creative methods of teaching allow her students to reach their full potential.

Mrs. Garrity has been a teacher at St. John Fisher School since 1990. The Catholic educational system has given her the ability to influence her student's lives with her passion for teaching, which is evident in her students' drive to succeed.

It is my honor to recognize Mrs. Nancy Roberts Garrity as a recipient of the Distinguished Teacher Award. Teachers, like Mrs. Garrity, are key to our children's futures.

IN RECOGNITION OF CLINTON KIRK

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. ROGERS of Alabama. Mr. Speaker, I respectfully ask the attention of the House today to pay tribute to Mr. Clinton Kirk, a constituent of mine who has dedicated the past 20 years of his life to staying healthy and fit.

Mr. Kirk resides in Valley, Alabama, and is in his eighth decade of life. He is known around the area as ''The Walking Man.'' Kirk says when he began his walking in 1982, he would walk around 5 to 6 miles a day in the early morning. Over 20 years later, he says he now walks about 1 mile a day and says he attributes his good health to his walking habit. Amazingly, Mr. Kirk has walked over 50,000 miles since 1982, and began keeping a daily log of the distance he covers in 1986.

I salute Mr. Kirk for his continued efforts to exercise and stay healthy, and commend him at this milestone for serving as an example for us all to take care of ourselves and stay fit.

HONORING THE CONTRIBUTIONS OF PAUL AND SYLVIA HOLLINGER

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. PITTS. Mr. Speaker, I rise today to honor the legacy and service of Paul and Sylvia Hollinger.

Fifty years ago, Paul Hollinger got his start in Christian radio as a singer for WMBI at the Moody Bible Institute in Chicago.

After leaving Moody, he continued his broadcasting career in Pennsylvania as a sales representative or WEZN in Elizabethtown, Pennsylvania.

In July 1961, Paul began with WDAC radio in Lancaster, Pennsylvania, and he's been capably serving that station ever since. In 1981, his wife, Sylvia, joined him at the station and continues to play a crucial role in its operations to this day. Together, Paul and Sylvia have grown WDAC into the tremendous success that it is today.

WDAC's consistently high ratings are a testament to the God-given talents that the Hollingers have brought to the station's leadership ranks.

With programs offering sound Biblical wisdom for living a life of integrity, as well as practical guidance for raising a God-honoring family, WDAC provides a wonderful resource to the Lancaster community.

Paul and Sylvia have also been active in the community outside of their roles at WDAC. They give charitably of their time and resources, serve as leaders in the pro-life movement, and are strong supporters of the conservative family values that Lancaster County holds so dear.

Paul and Sylvia's retirement this month from WDAC's daily operations caps more than four decades of distinguished service, and it's a legacy worth honoring.

We live in an age of eroding decency and growing vulgarity on our Nation's airwaves.

Under the leadership of Paul and Sylvia Hollinger, WDAC has consistently and successfully gone against this trend.

The high-quality, family-friendly Christian programming that WDAC has committed itself to is a wonderful influence on the surrounding community every single day.

Paul and Sylvia have played an enormous role in making this happen and their legacy of positively impacted lives grows with each new listener.

I congratulate the Hollingers on a wonderful life of service, and wish them all the best in whatever the future holds.

TRIBUTE TO FORTUNE ''TINO'' BOSCO

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Fortune ''Tino'' Bosco, of Tampa, Florida, who lost his battle with cancer last month. Fortune described himself to many as ''just a poor Italian immigrant,'' but to all who knew him, he was so much more—a grand story teller, a civil rights advocate, a political powerhouse, a bocce ball enthusiast and a dedicated family man.

Born in Lanciano, Italy, Fortune earned a degree in law and economics from the University of Rome, and went on to serve in the Italian National Police and at Interpol, the Paris based international police agency. Also a professional soccer player, in the 1950s, Fortune played on the Italian Olympic soccer team.

In 1954, Fortune arrived in the United States on the Andrea Doria. Later, when the famed ship collided with another cruise liner, Fortune worked as a translator for the rescued Italian passengers. It was during this time that Fortune met the love of his life, Marjorie Nettleton, who was also helping the accident victims. Marjorie and Fortune would go on to settle in Florida and start a family, which became the focal point of Fortune's life.

Fortune earned his second law degree at University of Miami. Afterwards, he was hired as a civil rights attorney by the U.S. Department of Justice and transferred to Tampa to serve in the Office of Economic Opportunity. His passion for protecting civil rights brought him to Selma, Alabama in 1965 to participate in the historic civil rights march.

Always proud of his Italian heritage, Fortune was also known for his weekly ''La Pagina Italiana'' column in Tampa's trilingual La Gaceta newspaper. Even as Fortune struggled with retinitis pigmentosa, which slowly robbed him of his eyesight, Fortune continued to write his column, play bocce ball and chess games and actively participate in local and state political campaigns.

Fortune was active in a host of local community groups including the Sons of Italy, Mona Lisa Lodge and the Italian Club of Tampa. He served on the Mayor's Alliance for People with Disabilities and was an honorary member of the Board of Directors at the Lion's Club.

In so many ways, Fortune represented the heart and soul of Tampa. On behalf of the entire Tampa Bay community, I would like to extend my deepest sympathies to Fortune's family.

TRIBUTE TO HOWARD C. ''CHIP'' CONLEY

HON. COLLIN C. PETERSON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. PETERSON of Minnesota. Mr. Speaker, I take this opportunity to honor Chip Conley's service to his country, to this House, and to our Nation's farmers and ranchers. Chip will retire from the staff of the House Agriculture Committee at the end of this Congress.

Mr. Speaker, Chip was hired as the Agriculture Committee's economist by Chairman E. (Kika) de la Garza in 1985. By all accounts, from the moment he got there, Chip was the go-to guy on nearly every bit of work in the Committee's jurisdiction. This was so much the case that on his birthday one year, Chairman de la Garza handed out buttons printed with the commonly uttered phrase: ''Where's Chips?''

Mr. Speaker, the Agriculture Committee's big task that comes along periodically is the writing of a Farm Bill. Chip played an integral role in four farm bills—each one of which proved to be a more monumental undertaking than the last. In addition to casting policy for the production of food and fiber, the Farm Bill also includes provisions to update the food stamp program and other programs that are so important to the daily needs of our most vulnerable citizens. In addition to the tremendous expertise Chip displayed regarding the economics of these programs, he always demonstrated a thorough command of programmatic details. His diligence and abundant creativity through many sleepless nights have had an enormous impact, and he will be sorely missed.

Mr. Speaker, you don't have to work with Chip for too long to realize that his efforts are inspired by an enduring, true desire to improve the lives of others. Before he began his professional career, Chip served in India as a Peace Corps volunteer. He spent 2 years in Hissar from 1970–1972, providing extension services to dairy farmers.

Mr. Speaker, I should also express the gratitude of the House to Chip's wife—Jan Rovecamp. Jan herself served as a staff member and was working for the House when she and Chip met and they discovered their mutual interests in hiking and other outdoor pursuits. Jan also aided the Committee by her constant support of Chip and her tolerance for his long hours. They both have hearts of gold, and for nearly 15 years they have volunteered their time to Food and Friends. Each Friday, they spend the middle of their day delivering food and providing companionship to people living with life-challenging illnesses.

Mr. Speaker, I am saddened to see Chip go. Through his work on legislation, he has touched the lives of many Americans. In the city of Washington, he has gained the respect and admiration of countless colleagues from all philosophical backgrounds. To the Members and staff of the Committee, he is a true friend.

On behalf of the Agriculture Committee, I extend to Chip and Jan my deepest appreciation for their service, and wish them much happiness in retirement.

TRIBUTE TO ANDREA BOCELLI

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. ISSA. Mr. Speaker, I rise today to recognize and honor the remarkable achievements of singer, writer, and producer Andrea Bocelli.

Growing up on his family vineyard in Lajatico, Tuscany, Mr. Bocelli displayed a talent for music from an early age. Andrea developed a passion for opera recordings and dreamed of following in the footsteps of celebrated Italian tenors. A graduate of the University of Pisa, Mr. Bocelli practiced as a state appointed defense attorney for a short time before leaving behind a legal career to pursue his musical dream.

The best-selling classical soloist of all time, Mr. Bocelli has experienced unprecedented international success. He has staged concerts at the Eiffel Tower, the Pyramids in Egypt, and the Statue of Liberty. Andrea has performed at Olympic closing ceremonies and over the devastation of Ground Zero. He has sung for kings, queens, princes, premiers, prime ministers, presidents, and Popes. The recipient of numerous awards, Mr. Bocelli has been globally recognized for his achievements in music and for his philanthropic efforts.

Andrea Bocelli has used his talents and stardom to bless many lives. Partnering with worthy charities like The Vision of Children Foundation, an organization committed to the eradication of hereditary childhood blindness, Mr. Bocelli has raised millions of dollars to help children all over the world. Funds raised by his benefit concerts have gone towards research to improve the lives of the visually impaired and aid the families of children who require organ transplants.

Mr. Speaker, whether influencing lives with his musical talents or inspiring countless individuals to overcome adversity, Andrea Bocelli is honored and admired for his many accomplishments. We recognize and commend him today for his extraordinary dedication and service.

HONORING CHICAGO ASTRONAUT JOAN HIGGINBOTHAM

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. EMANUEL. Mr. Speaker, I rise today to honor Astronaut Joan Higginbotham. Higginbotham is a member of the crew on the Space Shuttle Discovery that is scheduled to launch tonight from NASA's Kennedy Space Center. Additionally, she is a fellow Chicagoan, and I wish her the best of luck as she prepares for her first mission, STS 116.

Higginbotham graduated from Chicago's Whitney Young High School in 1982, and Southern Illinois University at Carbondale in 1987. She will be the third African-American woman aboard a NASA mission, and she and her fellow astronaut Robert Curbeam will make history this week on STS 116, the first Space Shuttle mission with two African-American astronauts.

Higginbotham previously worked as a payload engineer at the John F. Kennedy Space Center while also earning two master's degrees from the Florida Institute of Technology.

As a Mission Specialist on board Discovery, Higginbotham's responsibilities will include a complete rewiring of the International Space Station's power supply. She will also have the responsibility of operating the robotic arm to deploy several satellites and to direct payload transfers.

Higginbotham will be joined by mission commander Mark Polansky, as well as Robert Curbeam, Sunita Williams, Nicholas Patrick, William Oefelein, and Christer Fuglesang from the European Space Agency, who is the first Swedish astronaut.

Mr. Speaker, I ask my colleagues to join me in recognizing my fellow Chicagoan as well as her fellow astronauts, and to wish them all the best on their launch tonight and their 12-day mission.

HONORING THE LIFE OF CAROLE MANCHESTER PILLAY

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. LARSON of Connecticut. Mr. Speaker, I wish to submit for the RECORD the following tribute that appeared in the Winsted Journal on October 27, 2006. Mrs. Pillay began her career in fashion at Vogue, later becoming fabric editor at Glamour, and fashion director at Seventeen and Elle. Mrs. Pillay was also the author of French Tea and Tea in the East. I'm honored to submit this for the RECORD. My heart goes out to her entire family.

[From the Winsted Journal, Oct. 27, 2006]

CAROLE MANCHESTER PILLAY

WINSTED—Carole Manchester Pillay, author of two distinctive books on the preparation and drinking of tea and a former editor of leading women's magazines, died Oct. 21, 2006, in Manhattan. She lived in Manhattan and Winsted and was the wife of Shunna Pillay.

Mrs. Pillay started her fashion career with Vogue and later became the fabric editor for Glamour and then fashion director at Seventeen and Elle magazines. Her articles on fashion, the decorative arts and tea appeared frequently in national magazines.

Her two books are ''French Tea'' (Hearst Books, 1993) and ''Tea in the East'' (Hearst Books, 1996). The latter publication took her on journeys throughout Asia, where she met and interviewed ''staunch devotees of tea—planters, pluckers, brokers, blenders, producers, promoters, and tea lovers.''

She wrote that ''there were many trying times rummaging through the obscure domains of tea, but at journey's end I look back on the adversities as fond adventures.'' More recently, she authored the book for the forthcoming musical, ''Pansy.''

Her friends regarded her as possessing an exquisite aesthetic sense, a wonderful joie de vivre, an indomitable spirit and a keen commitment to social justice. In addition to her husband of 33 years, Mrs. Pillay is survived by a brother, Dudley Manchester of West Hartford; a sister, Ann Shubert of Acton, Mass.; and several nieces and nephews. She was predeceased by a sister, Lois.

There will be a private service in late spring.

HONORING DR. JOHN CONDON, RECIPIENT OF THE 2006 SACRED HEART MEDICAL CENTER SISTER PETER CLAVER AWARD

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mrs. MCMORRIS RODGERS. Mr. Speaker, I rise today to honor Dr. John Condon, recipient of the 2006 Sacred Heart Medical Center's Sister Peter Claver Award. In receiving this award, Dr. Condon joins the ranks of many like himself who have gone out of their way to help and serve others, doing it humbly and without seeking recognition.

The Sister Peter Claver Award is given in honor of its namesake each year. Sister Peter Claver gave nearly thirty years of her life to Sacred Heart Medical Center in Spokane, Washington. She led this institution by her example of charity, service, and integrity. Today, Dr. John Condon exemplifies the mission and message of Sister Peter Claver.

Dr. Condon has maintained a pediatric dentistry practice in Spokane for more than 40 years. Because the community in which he works and serves is a rural one, Dr. Condon travels throughout the community, making a special effort to reach those who would not normally have access to such quality dental care. Dr. Condon has also devoted much of his time to providing dental care to underprivileged children and adults with mental and physical challenges.

Mr. Speaker, I rise today to acknowledge and thank Dr. Condon for his compassionate service to the citizens of Eastern Washington. I invite my colleagues to join me in congratulating Dr. John Condon on receiving the ''Sister Peter Claver Award'' and in thanking him.

IN HONOR OF SISTER JULIE HYER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. FARR. Mr Speaker, I rise today to honor Sister Julie Hyer, O.P., whose uncommon mixture of faith, benevolence and business savvy has seen the Dominican Hospital of Santa Cruz through twenty-two years of exceptional service and growth.

As president and CEO of Dominican Hospital, Sister Julie sat at the helm of Santa Cruz County's largest health care facility. With 1,700 employees, 500 doctors on staff and more than 500 volunteers—to say nothing of the hundreds of patients Dominican Hospital serves daily in its 369 beds—Sister Julie has overseen a considerable operation and done so without compromising individualized care and treatment.

Under Sister Julie's leadership, Dominican Hospital has implemented numerous programs and services which address the particular needs of our community; from the Infant Hearing Assessment program, to Occupational Rehabilitation, to the ShareCare Health Plan for Older Adults, Sister Julie has ensured that Dominican Hospital is prepared to see patients through every stage of their lives. Other services, such as Dominican's Tattoo Removal

Program which gives former gang members a chance to start a new phase of their lives, reflect Sister Julie's all-embracing approach to the health of our community.

To accommodate such a bold and comprehensive vision of health care, she has driven the hospital's steady institutional growth by continuously improving its facilities and establishing relationships with other distinguished healthcare organizations. Under Sister Julie's guidance, Dominican Hospital has seen three major building expansions, multiple remodels, and affiliation with Catholic Healthcare West, the eighth largest hospital system in the Nation.

The laurels of her tenure are as numerous as they are invaluable. They are the realization of Sister Julie's faith in action and a testament to the power of earnest and solemn goodwill.

Mr. Speaker, for all that she has done and all that she will undoubtedly continue to do, I extend my most sincere thanks and warmest wishes to Sister Julie in her retirement.

TRIBUTE TO MASSACHUSETTS HIGH SCHOOL FOOTBALL SUPER BOWL CHAMPIONS: EVERETT, WAYLAND, AND WINTHROP

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. MARKEY. Mr. Speaker, I am proud to say that this weekend Massachusetts crowned three state football champions all from the Seventh Congressional District.

The Crimson Tide of Everett, led by Coach John DiBiaso finished the season a perfect 12–0 after a 35–6 win in the Division 1 title game to capture its second Super Bowl victory since 2003.

Later that afternoon, the Wayland Warriors, led by their coach Scott Parseghian took to the same field and knocked off their opponent with a convincing 28–0 victory to take home the Division IA crown, finishing the season with an unblemished 13–0 record.

Finally, the mighty Vikings of Winthrop, led by their coach Tony Fucillo, rallied to a 25–8 victory in the Division 2A championship game also finishing the season a perfect 13–0. This was a huge boost to a program and a school which only a few short years ago was facing possible elimination of high school athletics all together

Each of these teams finished the season ranked among the top three in Massachusetts polls.

Mr. Speaker, I offer my heartfelt congratulations to the communities of Everett, Wayland and Winthrop and their student athletes and coaches for their commitment to excellence in their sports and for their hard-earned, well-deserved championship seasons.

RECOGNIZING HON. PAULA L. FEROLETO

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. HIGGINS. Mr. Speaker, I rise today to recognize one of Western New York's State Supreme Court justices. Hon. Paula L. Feroleto will be presented with the 2006 Lawyer of the Year Award by the Women Lawyers of Western New York. Judge Feroleto has been on the State Supreme Court bench for 2 years and previously served as an attorney for over 20 years. Over this course of time, Mrs. Feroleto has quietly broken barriers within the legal field.

Judge Feroleto began her career at Brown & Kelly, in Buffalo, where she was the first woman attorney named as partner to the firm and acted as the firm's pro bono coordinator for several years. In addition, she was also the first woman president of the Western New York Trial Lawyers Association. Her humble demeanor sets her apart from many and she has undoubtedly been a quiet trailblazer for women. Judge Feroleto balances family, career, and community obligations including participation in the Lawyers for Learning program.

It is clear, this award is long overdue, and Judge Feroleto's accomplishments exemplify the great strides women have made within the legal profession and specifically within the Western New York community. The award will be presented to her on December 14 in Buffalo and I would like to extend my congratulations.

Mr. Speaker, it is with great pleasure and gratitude that I stand here today to recognize the work of Hon. Paula L. Feroleto, a leader and admired community member of the Western New York region.

IN RECOGNITION OF THE FAYETTEVILLE–MANLIUS HIGH SCHOOL GIRL'S CROSS COUNTRY TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. WALSH. Mr. Speaker, I rise today to give much deserved praise to the Fayetteville-Manlius High School Girl's Cross Country Team on their first place finish at the Nike Team Nationals, defeating 19 other teams and beating the second place team by 50 points to earn a national title.

The Nike Team Nationals put together a race of 20 teams of the highest caliber to compete in Portland Oregon in a 5-kilometer race. The young women of Fayetteville-Manlius worked extremely hard this year to put together a team that was capable of competing at this level, and their hard work paid off with a first place finish and two runners within 20 seconds of first place.

On behalf of all my constituents, I would like to congratulate this special team on their amazing athletic prowess, and especially Coach Bill Aris for leading them throughout the year. I wish them every success in the 2007 season, and look forward to watching them defend their national title.

The team members are: Mackenzie Carter, Kathryn Buchan, Jessica Hauser, Hilary Hooley, Courtney Chapman, Molly Malone, and Ashley Higginson.

A TRIBUTE TO AMY EDINGER

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. ANDREWS. Mr. Speaker, today, I am proud to honor Amy Edinger, the recipient of the great state of New Jersey's No Child Left Behind 2006 American Star of Teaching award.

Throughout her distinguished career, Amy has worked with special education students at the James Fenimore Cooper Elementary School in Cherry Hill. Her efforts to improve the educational atmosphere of her students have earned her both admiration and praise from her colleagues, students, and parents. Her extraordinary innovation and commitment has enabled her to assist her students in moving forward both academically and through improvements in their social skills. Amy's expertise can be measured through the many achievements by the children in her classroom.

I would like to commend and congratulate Amy Edinger on this impressive honor. She is an example of excellence in the classroom, and she serves as an inspiration to us all.

TRIBUTE TO CHARLIE CAMPION

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mrs. MUSGRAVE. Mr. Speaker, I rise today to honor the patriotism and military service of Mr. Charlie Campion of Loveland, Colorado.

He joined the United States Navy on September 7, 1954, and was sent to Great Lakes, Illinois, for boot camp.

In 1958, Mr. Campion's ship, the USS *Summit County*, pulled into Chennai, Korea where Mr. Campion served as a gunner's mate during his first enlistment. Shortly after arriving, Mr. Campion and 2 other soldiers were ordered to drive a jeep from the base to pick up supplies at a different military supply location off base.

While on this mission Mr. Campion's jeep hit an explosive device throwing out the Lieutenant and the Seaman, flipping the jeep and himself upside down in the canal nearby. The jeep ended up landing on Mr. Campion and he sustained several injuries, including a broken back.

At the age of 21, Mr. Campion re-enlisted and started his studies at the Hospital Corps School in Great Lakes, Illinois. Mr. Campion went on to serve a total of 16 years in the United States Navy as Hospital Corpsman and FMF Corpsman with the Marine Corps.

For ''conspicuous gallantry and intrepidity in action'' while serving with Company C, 1st Battalion, 3rd Marines, 3rd Marine Division near the village of La Chau, Republic of Vietnam on 5 June 1965, Mr. Campion was awarded the Silver Star. While giving medical aid to several sick villagers, Mr. Campion was attacked by other villagers at the same time that his platoon was attacked by the Viet Cong Fighting his way free, he ran to the platoon position and immediately began medical treatment of two wounded Marines.

In order to protect the wounded men, Mr. Campion seized an automatic rifle from one of the men and turned it against the enemy, killing one Viet Cong and driving the others to flight. After the wounded men were evacuated he fearlessly exposed himself to heavy enemy fire so he could render aid to a critically wounded Marine and assist in his evacuation.

Additionally, he was awarded four good conduct medals and 12 further medals for his service to our country in the Korean War and in Vietnam.

Mr. Speaker, I am grateful for Mr. Campion's selfless service to our Nation. I urge my colleagues to join me in recognizing a man worthy of our honor, a true American hero, Mr. Charlie Campion.

THE SUZANNE GONZALES SUICIDE PROMOTION PUNISHMENT AND PREVENTION ACT OF 2006

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. HERGER. Mr. Speaker, today I am introducing the Suzanne Gonzales Suicide Promotion Punishment and Prevention Act of 2006 on behalf of families across the United States who have lost loved ones to suicide through information provided on Internet forums.

On March 22, 2003, 19-year-old Suzanne Gonzales told her father, ''I love you, Dad. I'll see you soon.'' Hours later, she was dead. As a student attending college thousands of miles from home, Suzanne had become involved in an online discussion group that promotes suicide as a personal choice and a ''civil right.'' Other members of the group, using anonymous screen names, encouraged Suzanne to commit suicide and gave her step-by-step instructions on how to obtain and use potassium cyanide, a lethal substance used by jewelers to polish metal.

It is difficult for most of us to imagine the grief of Suzanne's parents when they learned of their daughter's death. Their distress was only increased when prosecutors told them that there was no law under which the members of the online group, who had given Suzanne the necessary information to commit suicide, could be charged. While many states have laws prohibiting assistance to suicide, the individuals responsible for Suzanne's death could be residents of any state.

Suicide is not just another personal choice. It is final and irreversible. Victims of suicide do not have an opportunity to learn from their mistake. And their actions have a lasting impact on their family and friends. The same Web site whose members encouraged Suzanne Gonzales to take her own life has been implicated in well over a dozen other suicides. Mr. Speaker, I believe it is time for Congress to take a stand. These sick and twisted individuals who prey on the despair and emotional distress of others ought to be held responsible for their actions.

The legislation I am introducing would make it a federal crime to use facilities of interstate commerce, including the Internet, to provide a particular person with information or material support to commit suicide. It is narrowly tailored to avoid infringing on speech protected by the first amendment. And it recognizes the role of state governments as the primary sources of laws relating to suicide.

This legislation is a sensible response to a real and growing problem, one that will bring wrongdoers to justice and hopefully help to prevent future tragedies like Suzanne Gonzales's. I urge my colleagues to join me in supporting it.

PERSONAL EXPLANATION

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. BISHOP of New York. Mr. Speaker, due to a previously scheduled commitment, I was not present in the House chamber to vote on rollcalls 526 or 527.

Please indicate as such in the appropriate place in the CONGRESSIONAL RECORD that I would have voted ''nay'' on rollcall 526 and ''yea'' on rollcall 527 had I been present.

Mr. Speaker, thank you for your attention to this request.

TRIBUTE TO DAYTONA BEACH MAYOR YVONNE SCARLETT-GOLDEN

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Ms. CORRINE BROWN of Florida. Mr. Speaker, I want to send my thoughts and prayers to the family of Yvonne Scarlett-Golden, the first black Mayor of Daytona Beach. She had been a very, very close friend of mine for many years, and she will be dearly missed by the community of Daytona Beach and the State of Florida.

I will always remember her for her persistence, her spirited willpower and determination, as well as her extreme dedication to public service. Her admirers and supporters included not just the African American community, but also by those with financial influence in the area. In particular, I will always remember her ''respect'' campaign, wherein she attempted to tranquilize the somewhat disorderly behavior of the city's special events.

Even though she entered politics somewhat late in life, at all times she devoted her energy to her native city of Daytona Beach. Ironically, this was the same city that disallowed her to go to the beaches because of strict segregation laws. Yet with the inspiration and tutelage of one of our nation's most famous civil rights leaders and founder of Bethune Cookman College, Ms. Mary McLeod-Bethune, who also hails from the city of Daytona, Ms. Scarlett-Golden learned the essence of public service.

Yvonne Scarlett-Golden went on to graduate from Bethune-Cookman College in 1950, where she received academic honors as well as special distinctions for performing as an outstanding athlete. It was in the halls and lecture rooms of this college where she became profoundly influenced by the teachings and philosophy of Ms. McLeod-Bethune. She went on to utilize these teachings in her career as an educator and as an elected official.

Ms. Scarlett-Golden will always serve as an inspiration not only to the local black community in Volusia County, but to African Americans throughout the State of Florida.

TRIBUTE TO BISHOP JOSEPH L. IMESCH

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. WELLER. Mr. Speaker, I rise today to honor Bishop Joseph L. Imesch who will celebrate 50 years of priesthood on December 16, 2006.

On June 21, 1931 in Gross Pointe Farms, Michigan, Dionys and Margaret Imesch became the proud parents of Joseph L. Imesch. Bishop Imesch spent his early years in Michigan attending the following schools: St. Ambrose and St. Paul Elementary School, Sacred Heart Seminary High School and College. In 1953, the Bishop went to Rome where he attended the North American College and received his STL degree. He attended the Gregorian University from 1969 to 1970. On December 16, 1956, Bishop Joseph L. Imesch was ordained in Rome.

Most of the Bishop's pastoral ministry was spent in Michigan. From 1957 to 1959, he was the assistant pastor to the St. Charles Parish in Detroit, Michigan. From 1959 to 1971, the Bishop served as a secretary to John Cardinal Dearden, Archbishop of Detroit. In 1971, Bishop Imesch became the pastor of Our Lady of Sorrows' Parish in Farmington. On April 3, 1973, Joseph L. Imesch was ordained as Auxiliary Bishop of Detroit and was the Regional Bishop of the Northwest Region, Archdiocese of Detroit from 1977 to 1979.

On August 28, 1979, Bishop Imesch was installed as the third Bishop of Joliet. During his tenure, Bishop Imesch served on many committees including: Catholic Relief Services Board, Board of Trustees of Archdiocese of Chicago Seminaries, Chairman of the NCCB Committee on Women in Society and the Church, Chairman of NCCB Committee Writing the Pastoral on the Concerns of Women, the Marriage & Family Life Committee, Committee for Stewardship, Chairman of NCCB Committee for Pastoral Practices, the Retired Religious Grant Review Board, the Society of St. James Board, the USCCB Administrative Board, and Chairman of Bishops of Region VII. Bishop Imesch retired as Bishop of Joliet on June 21, 2006 shortly after his 75th birthday. According to Bishop Imesch his only regret is that he turned 75 much too quickly and could no longer serve.

The Diocese of Joliet was established in 1948 and has a Catholic population of approximately 636,862. It comprises the counties of DuPage, Kankakee, Will, Grundy, Ford, Iroquois, and Kendall.

Mr. Speaker, I urge this body to identify and recognize other persons in their own districts whose actions have so greatly benefited and strengthened America's families and communities.

HONORING SANDRA E. ULSH, PRESIDENT OF THE FORD MOTOR COMPANY FUND

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today in honor of Sandra E. Ulsh. Sandra is president of the Ford Motor Company Fund, a philanthropic organization funded largely by Ford Motor Company profits. Ford Fund supports innovative programs that focus on education, American heritage and legacy, and safety. Under her leadership, Ford Motor Company Fund has also dedicated itself to celebrating cultural diversity and supporting programs that stimulate cross-cultural exchanges.

Sandra received a bachelor's in mathematics and economics from Gettysburg College and an MBA from Lehigh University. She joined Ford as an economic analyst in 1978. She held numerous positions in Finance, including vehicle pricing manager, vehicle program finance manager, manager of business analysis and business plans for Truck Operations, and manager of Investor Relations.

Sandra joined Ford's Governmental Affairs organization in 1996 as a strategic issues associate in the Corporate Economics and Strategies Issues office, and later became a legislative manager on Healthcare and Financial Service matters in Washington, DC. Prior to assuming her current position, Sandra was the director, Public Policy, Governmental Affairs.

Along with her work at Ford Motor Company Fund, Sandra serves on various other nonprofit and advisory boards, including the Council of Michigan Foundations, ConnectMichigan Alliance, Charles H. Wright Museum of African American History, U.S. Hispanic Chamber of Commerce Foundation Corporate Advisory Board, Dennis Archer Foundation, and America's Promise Leadership Council.

Sandra will be retiring from her position at Ford Motor Company Fund on December 31st. I'm sure I'm not the only one impressed with her professionalism, dedication and the achievements reached by Ford Motor Company Fund during her leadership tenure. I wish to thank her for her exceptional service and wish Sandra well on all her future endeavors.

FLORIDA DELEGATION FAREWELL TRIBUTE

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. MILLER of Florida. Mr. Speaker, I rise today to specially recognize 4 of my colleagues who have so honorably served the residents of Florida and the citizens of the United States over the past 4 to 26 years.

I applaud my friends, CLAY SHAW, MIKE BILIRAKIS, JIM DAVIS, and KATHERINE HARRIS for their admirable service. Over the years, each has made numerous invaluable contributions bettering the lives of their constituents and all Americans.

I've seen first hand how effective and committed these individuals are in serving their constituents. Our longest serving member with 26 years, CLAY SHAW has been one of seniors' and Social Security's greatest advocates. His expertise in Social Security, trade, and welfare issues will be sorely missed. Serving 24 years, MIKE BILIRAKIS has been one of Congress' primary supporters for veterans' issues. It has truly been my pleasure serving with MIKE on the VA Committee for the past 5 years. Over the past 10 years, JIM DAVIS has been one of the leading sponsors in trying to protect Florida's pristine coastlines and U.S. military missions from offshore drilling. His leadership and passion are lauded and will not be forgotten. KATHERINE HARRIS has left her mark as a strong leader in helping Florida toward its future as an international leader in economic and foreign affairs.

Mr. Speaker, Florida and the Nation have benefited from their leadership, and each will be truly missed. I would like to thank each for their service to our country and extend my best wishes for their continued success.

H.R. 6099, UNBORN CHILD PAIN AWARENESS ACT OF 2006

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. DINGELL. Mr. Speaker, I rise in opposition to H.R. 6099, the Unborn Child Pain Awareness Act. I would point out that, despite the best efforts of some in this Chamber and from various interest groups to masquerade this as a pro-choice or pro-life issue, this is not about choice. This is quite simply an issue of who is qualified to provide medical information to patients: Congress or doctors? Frankly, patients are better served with medical information coming from a qualified medical professional than from a simple Polish lawyer from Southeast Michigan like myself.

Let me be clear: this bill requires that doctors provide women seeking an abortion past the twentieth week of gestation a brochure produced by the Department of Health and Human Services. The bill very clearly requires that the brochure include text written word for word by Congress. The patient would then have to sign a document saying she received the information. That document, again, would contain specific text written by Congress. The very idea that Congress would require that specific text imparting a medical opinion be handed out to patients is ludicrous. We are in the business of writing laws, not of keeping up on the most recent articles published in medical journals. I would ask, Mr. Speaker, where does this game of Congress playing doctor end? Will we next be writing scripts or brochures advocating for one chemotherapy treatment over another for cancer patients? I think not. I believe that most of us recognize that this is well beyond our capability as lawmakers.

Mr. Speaker, let's leave the decisions about medical science to the scholars and professionals who are qualified to make them and focus on our responsibilities as Members of Congress.

I've always wondered why we don't focus more of our attention on preventing unwanted pregnancies. Reducing the number of abortions performed in this country is certainly a goal we can all agree on and strive for. Instead of imposing ourselves on private relationships between doctors and patients, I hope that my colleagues on both sides of the aisle will come to the table to discuss how we can further this mutual goal.

ETHICS IN THE 110TH CONGRESS

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. HEFLEY. Mr. Speaker, as the 109th Congress ends and I prepare to leave the House of Representatives after 20 years, I wanted to speak with my colleagues about congressional ethics one last time. This is an honorable House and an ethical House. Most House Members desire to serve honorably and ethically, a few do not. Yet, as James Madison observed in the Federalist 51, "if angels were to govern men, neither external nor internal controls on government would be necessary . . . but experience has taught mankind the necessity of auxiliary precautions." The integrity of this House is important to our Nation and our integrity is not as it should be. As Members of Congress, we will never be perfect, but we can strive to be better. As Members of this House we must do better.

In 1952, Senator Paul Douglas of Illinois wrote a small book that had wide influence, "Ethics in Government." Douglas said the book grew out of his experiences on the Chicago City Council and in the Senate, where he served on a committee which investigated the Reconstruction Finance Corporation and chaired a Senate subcommittee which considered the entire range of ethics issues for those involved in public service. His book started with the following words, "[T]he American public has become increasingly uneasy in recent months about the moral practices of many government officials." Sounds familiar, doesn't it? More than 60 years later, Congress is still struggling with many of the issues identified by Senator Douglas. We have made significant progress since the 1950s, but as this past Congress has shown, we have a long way to go.

Before discussing ethics in the Congress while I have served and what I believe we need to do in the future, I think it would be helpful to review some of the conclusions and recommendations of Senator Douglas. After reviewing that state of ethics during the time of the ruling Florentine House of the Medici as described by Machiavelli in "the Prince," Douglas surveyed the state of ethics in Great Britain during the 18th and 19th centuries and of our own Congress during the period before the Civil War and during the Civil War. Despite the evidence of enormous corruption during those times, Douglas stated, "[M]y own conclusion is, therefore, that there has been an appreciable long-time improvement in the level of political morals." However, he also noted that there are frequent periods of "moral relapse," often after wars and that in his own time the standards of behavior were "by no means good enough and need radical improvement."

Let's look at what Douglas was concerned about. First, he identified six "difficulties which

beset public officials and legislators.'' Leading the list was the items of gifts and entertainment. The next issue he described as the ''lure of past and future employment.'' Next, he identified the problem of the use of public office as a means of making money through various private business interests engaged in by members in addition to their congressional duties, such as insurance or practice of law. Douglas was extremely concerned by what he called, ''use . . . of public office to further . . . private business.'' Finally, Douglas identified the abuse of members of government resigning and ''then almost immediately appear[ing] as well-paid legal representatives of private agencies which are doing business with the Government.'' Douglas also identified this issue as the sale of influence. Senator Douglas recommended 2 remedies to these issues; better pay and an ethical code for public officials.

Douglas went on to identify 3 sets of additional ethics issues important to legislators: (1) The expense of campaigning for office, (2) relationships between legislators and administrative agencies, and (3) the conduct of congressional investigations and the treatment of witnesses before congressional committees.

Douglas concluded with 2 final recommendations: disclosure of private income and the suggestion that stocks and investments be sold or placed in trusts not under the control of the owner. Finally, Senator Douglas stated that ''more important than the institutional improvements which I have suggested is our need for a deeper set of moral values.'' He surmised that ''since the state is but the individual writ large, perhaps the disclosures of the past years may reawaken within us a sense of our individual failure to live up to the standards we inwardly cherish.'' Institutional reform begins with self-reform, he suggested.

Since the time of Senator Douglas, we have come a long way towards fulfilling his recommendations and establishing a modem ethics process. The Ethics Committee was established in 1967. Through the years, the committee has provided oversight and enforcement, sanction recommendations and investigations, and importantly, advice and education to Members and staff. Congress adopted Code of Ethics for Government Service was in 1958 and the House adopted a Code of Official Conduct in 1968. Significant campaign finance legislation was adopted in 1971, 1974, 2002 and House Rules now limit personal use of campaign funds. A limited private financial disclosure system was put in place in 1969 and made public in 1978. In 1989, Congress adopted rules limiting outside income and employment, banned honoraria and established post-employment restrictions. Finally, in 1995, strong gift and travel rules were adopted by the House and Congress passed the Lobbying Disclosure Act to counter public perception that special interests groups maintain undue influence over the legislative process and that Members are granted perquisites and privileges unavailable to average Americans. Each of these steps was significant in and of itself. Taken together they represent real progress.

Through this modem ethics process an established ethics committee has sanctioned Members of the House for inappropriate conduct on a nonpartisan basis. More importantly, the Ethics Committee has provided thousands of letters to Members and staff advising them how to navigate the web of ethics rules and procedures. In my opinion, the advice and education process, though unsung, is the most valuable asset the House has received from the Ethics Committee.

Under the modem ethics system our constituents now have a good idea of our income and assets. Members are restricted from outside income and honoraria of the sort that concerned Senator Douglas and created the potential, the appearance and sometimes the actual existence of a conflict of interest. Gifts have been limited and official business funded by private groups is publicly disclosed.

The tide of power in Washington turned again in November. With power comes great responsibility. Knowing that Congress is an institution, we can find comfort in the fact that faces may change but purpose remains. During the years we as elected officials represent our home districts, our people, our values, we should hold ourselves to higher standards because we have been given the power to change law, to create law, and to fund our government. And when those standards weaken in the House, we monitor each other through the use of the Ethics Committee. Real ethics reform begins and ends with enforcement of the rules and advice and education by the Ethics Committee.

Since its inception in 1967, the Committee on Standards for Official Conduct, informally known as the House Ethics Committee, has been unique in the House of Representatives. It is the only standing committee in which membership is equally divided between each party. The make-up of the committee is intended to provide a fair procedural framework for the conduct of the committee's activities and to help ensure that the committee serves well the people of the United States, the House of Representatives, and the Members, officers, and employees of the House.

I have been in the position to serve on the Ethics Committee as a member and as chairman. During my service, I have come to the conclusion that the process works if leadership allows it to. Having an equally divided committee encourages a working relationship that has rarely been equaled on other committees. While serving as chairman, all of our actions were consensus and most were unanimous. I told each new member to leave his partisanship at the door and they did.

I would be hard pressed to remember a time when Congress was not under scrutiny but in recent times, we have come under a direct dissection and search for credibility. To be a credible ethics process, bipartisanship must exist not only in committee deliberations and actions, but also in the development of the rules under which those deliberations and actions will occur.

I believe some of our credibility disappeared during the 109th Congress, when the House leadership fast-tracked legislation and called on party loyalty to pass rules changes for the Ethics Committee during a party-line vote. This is a misfortune that should be remedied in the 110th Congress.

The vote on the ethics process should be separate and apart from the vote on the House rules. The vote on the House rules is a party-line vote, the vote on the ethics process should not be. I see it as a duty for each member to make an individual vote not a party-line basis but on the basis of what would be the best ethics process for the House. The January 2005 vote signified a major detour from a bipartisan ethics process.

Besides the actual rule changes, which would have weakened the Ethics Committee both in its ability to do its job and as a bipartisan institution, I am troubled by the process leadership engaged in to fast-track the rules changes. Despite numerous requests by the Ethics Committee, leadership did not consult the committee on any of the changes they proposed and publicly released the text of these rules only a few hours before they were to be voted upon. As a result of protest by myself and others, some of the proposed rules changes were dropped immediately. Fortunately, the rest were dropped after months of unnecessary dispute. So the end result was that the rules were not changed permanently, but the process used by the House leadership damaged both the ethics process in the House and the House as an institution.

Prior to this misguided effort, the Ethics Committee has almost 40 years of bipartisan tradition. Sure, the process has not always been perfect, but the House has had a tradition of addressing any imperfections through the use of a bipartisan process. From its very beginning, the rules for the Ethics Committee were the results of a bipartisan panel composed of six Democrats and six Republicans. To continue working without undue influence, it is imperative to develop the rules in a bipartisan manner. All significant changes in the ethics process over the years, principally in 1976–77, 1989–1991 and 1997, were adopted after bipartisan task forces looked at the issues or a bipartisan consensus was reached before passage. As I have stated repeatedly, if the House is to have a meaningful, bipartisan ethics process, ethics reform can be made only after thoughtful, careful consideration on a bipartisan basis.

Why, at this time when partisanship dominates virtually every aspect of political life, is bipartisanship necessary in the ethics process? The reason, quite simply, is that if the ethics process were to be dominated by the majority party, whichever party that might be, it would have no credibility whatsoever. Such an ethics process would almost certainly degenerate into simply another tool of partisan warfare and thereby become a farce.

I also have to note, that both parties in the House are guilty of misusing the ethics process from time to time, most notably during what Norm Ornstein and Thomas Mann call the period of ''the politics of scandal.'' During this period in the late 1980's and continuing through 1997, both parties alternatively used the ethics process to attack and eventually destroy one Democratic Speaker, Representative James Wright of Texas and one Republican Speaker, Representative Newt Gingrich of Georgia. During the 104th Congress, virtually every member of the Republican and Democratic leadership of the House had an ethics complaint filed against them.

As a result of broad dissatisfaction on both sides of the aisle regarding the Gingrich matter, the 1997 task force made positive recommendations that were adopted by the House. As a result both parties disavowed the ''politics of scandal,'' with the result that between 1997 and 2004, only one ethics complaint was filed against a House member, down from a peak of over 26 filed between the Wright case in 1989 and 1996. In 2004, a

complaint was filed against the majority leader, Representative DeLay, and in my opinion, the political use of the ethics process by both parties began again.

Some commentators have called the period between 1997 and 2004 an ''ethics truce.'' I don't believe that is the proper term because the Ethics Committee was clearly engaged in aggressive investigation of misconduct during this time period, with many of the investigations self-initiated by the committee. During this period the Ethics Committee, while the House was under Republican control, followed the facts, investigated both Republicans and Democrats. For instance, the Ethics Committee conducted a thorough and exhaustive investigation of Representative Jay Kim of California during 1997 and 1998. While Representative Kim pleaded guilty to three misdemeanors in court regarding violations of Federal campaign laws, the investigative subcommittee charged him with numerous additional charges, including false statements, improper gifts, improper financial disclosure and an attempt to improperly influence a witness.

In the investigation against another Republican, Representative E.G. ''Bud'' Shuster, while the complaint had been filed in 1996, the Ethics Committee again conducted an exhaustive 4-year investigation into this powerful committee chairman, often working directly with the Department of Justice, which resulted in Representative Shuster being cited for ''serious official misconduct.''

A third investigation, involving Democratic Representative CORRINE BROWN of Florida, which was self-initiated by the committee, did not result in any charges, but the committee noted her actions demonstrated poor judgment and ''created substantial concerns regarding. . . appearance of impropriety and the reputation of the House.''

Also during the period of so-called ''truce,'' the Ethics Committee self-initiated a second investigation against a Democrat, Representative Earl Hilliard of Alabama, in 1999. In 2001, Representative Hilliard admitted ''serious official misconduct.''

In 2001, the committee received the one complaint filed against a Member during this period. On July 16, 2001, Representative Peter Deutsch of Florida filed a complaint against Representative STEVE BUYER of Indiana, alleging improper use of official resources for political purposes. The committee unanimously dismissed the complaint on August 1, 2001.

On April 11, 2001, Representative James Traficant of Ohio was convicted in Federal court of conspiracy to violate Federal bribery and gratuities statutes, receipt of an illegal gratuity, obstruction of justice, defrauding the Government, racketeering and tax evasion. The committee self-initiated an investigation and after a 3-day public hearing, recommended expulsion. On July 24, 2002, the House voted to expel Representative Traficant. The peer review process contemplated by the Constitution was truly in play during this process, as a very close friend of Representative Traficant served on the Ethics Committee during this period and felt duty-bound to cast a vote to expel his friend. This member, a former county prosecutor and defense counsel, while voting to expel Representative Traficant, ensured the committee held meticulously to its rules and afforded the respondent every ounce of due process mandated by the committee's procedures. Another peer of Representative Traficant from Ohio, a former judge and county prosecutor, also judged her colleague in this process. The committee was ably served during this process by the experience of another member, who tried numerous death-penalty cases before coming to Congress.

Another matter investigated by the committee during this period was the investigation into allegation of bribery during the 2003 Medicare Prescription Drug Act. The committee also self-initiated this investigation. During this investigation the committee deposed the Speaker of the House, the House Majority Leader, the chairman of the Ways and Means Committee and numerous other senior Members of the House. The investigation ultimately resulted in the admonishment of three Republican Members, Representative Tom DeLay, Representative CANDACE MILLER of Michigan and Representative Nick Smith of Michigan on September 30, 2004. It is important to note that the committee admonished Representative Smith for public statements that threatened to impugn the integrity of the House and for failure to cooperate with the committee investigation.

In summary, during the period of so-called truce, the committee self-initiated serious investigations. To me, this demonstrates not a truce, but a return to a committee dedicated to the investigation of serious matters in a nonpartisan way. As an additional note, during the 108th Congress, the committee noted it either commenced or carried over 10 investigations from the 107th Congress.

From 1997, when I served my first term until 2004 while serving my last, we as a committee gave mostly unanimous or overwhelmingly bipartisan conclusions. The committee worked. Deadlock never reared its ugly head. Partisanship was left at the door. And careful deliberation carried us to our conclusions.

This was true even with the diverse nature of the committee's membership. While I served on the committee the chairmen were from Utah, Texas and Colorado and the ranking minority members were from California and West Virginia. Members of the committee were from Ohio, Washington, Arkansas, Illinois, Minnesota, Arizona, Michigan, Pennsylvania, Missouri, Texas and California. We had lawyers, non-lawyers, former judges, former prosecutors, former defense counsels, businessmen, big-city members and members from rural America. We also had liberals and conservatives. Still, almost every decision was unanimous and every decision was nonpartisan.

This past Congress was noted for scandal, further emphasizing the need for a strong ethics process in the House. While ultimately the criminal justice system and the voters addressed most of these cases, the lack of a functioning Ethics Committee during most of this Congress was glaring. At a time when Representative Tom DeLay of Texas was indicted and Representatives Duke Cunningham of California and Bob Ney of Ohio were convicted of bribery, the Ethics Committee was not functioning. This was also the period of the Abramoff scandal and the search warrant of Representative William Jefferson of Louisiana's office. Only at the end of the Congress was the committee able to effectively investigate allegations involving former Representative Mark Foley of Florida. An ongoing investigative subcommittee inquiry into Representative JIM MCDERMOTT of Washington was also continued during the Congress but no result has been reached.

Finally, this past Congress lost credibility by failing to adopt significant ethics reform. The ethics and lobbying reform package proposed by the House leadership was so weak that I actually voted against it, believing it was designed to make people believe we were doing something when we really were not. Denying former Members access to the House gym and the House floor did not address the real ethical issues confronting the 109th Congress.

The Senate did little better. I believe the public took note of this failure.

H.R. 4975, the legislation narrowly adopted by the House, while addressing lobbying reform, did not go far enough, and was silent on reforming the rules that govern the ethics process in the House itself. We had a serious opportunity to implement comprehensive ethics reform in the House, but we did not take advantage of it.

The importance the new Congress places on ethics will define its character. Congress has the duty to protect the integrity of the institution and within that duty, every member must hold himself accountable for his own actions as well as those of our colleagues. I also recommend that once members on the Ethics Committee are appointed, the leadership should stay out of the ethics process.

I further urge the new Congress to use a different process than used in January 2005 to adopt the new ethics rules for the House. We have done a great disservice to ourselves by injecting partisanship in the ethics process and the consequences of that vote show in the form of stalemate during most of the last Congress. It is my hope that a real analysis of the rules is undertaken when deciding on changes.

Based on my experience on the Ethics Committee, I, along with Representative HULSHOF, have suggested reforms to the House ethics procedure that were not included in H.R. 4975. Our bill, H.R. 4988, did three things the passed legislation does not. Our proposal gave the Ethics Committee broader subpoena power during informal investigations, which is when the key decision is made whether to fully investigate a potential violation. Our bill would strengthen the independence of the chairman and ranking member by giving them presumptive 6-year terms like other chairmen. And our bill would strengthen the independence of the Ethics Committee staff by making this a career office, like the Parliamentarians office, yet with the accountability all staff should have.

The House should also consider the earmark reform adopted late in the 109th Congress. We need more accountability and transparency in the appropriations process.

Another unnecessary and unfortunate act by leadership during this past Congress was the replacement of two very good members of the committee before the end of their terms. One of them had chaired an investigative subcommittee that recommended the admonishment of Representative Tom DeLay, the majority leader, and both had participated in subsequent committee admonishments of Representative Delay. This gave the appearance and in my opinion, the reality of retribution. They, I believe, were being punished for doing the right thing.

The third unnecessary and unfortunate act in the past Congress was to weaken the independence and nonpartisanship of the Ethics Committee staff. One of the reforms instituted in 1997 was the requirement that the committee staff be assembled and retained as a professional, nonpartisan staff. From 1997 through 2005, the committee started the process of developing an independent, career staff. Many of the staff hired during that period of time were hired from off the Hill, including several with backgrounds at the Department of Justice, the U.S. Attorney's office for the District of Columbia, the Federal Election Commission, the District of Colombia Bar Association, and related agencies. While the staff of the committee has to have a strong understanding of how Congress works, I think it was a good tradition to include on the staff nonpolitical career attorneys who are able to step back from the intense political nature most congressional staff bring to their positions. In February 2005, the incoming chairman removed the committee's chief counsel and a member of the nonpartisan investigative staff. These actions, in my opinion violated the spirit and tradition of the Ethics Committee's charge to assemble staff in a professional and nonpartisan way. I hope the incoming leadership of the committee sees fit to return to the tradition of an independent and nonpartisan staff.

Turning to reform proposals again, one idea that is repeatedly suggested by many is the concept of an ethics commission or an ethics counsel. Some describe the office as an independent office of public integrity. As noted by Ornstein and Mann in their book, ''The Broken Branch,'' the ethics bills passed in 2006 failed to include adequate enforcement mechanisms. These proposals are one way to fill this gap. Another way, is to strengthen the Ethics Committee itself. Under these proposals an outside group of non- members, most likely former members or retired judges or other ''wise men'' of some sort, would either make recommendations to the Ethics Committee or actually conduct investigations for the Ethics Committee. Certainly the names mentioned for these positions are the sort of people who would be fair and nonpartisan. Similar procedures are used by the House of Commons in London and by the Kentucky and Florida legislatures here in the United States. I have given this concept great thought. While I believe there is some merit to having a system where conduct is judged by officials who are removed from the political process, thus removing the temptation of partisanship from the ethics process, I am not convinced we need to do this. While peer review is extraordinarily difficult, in fact one of the most difficult duties I faced as a Member of Congress, I think only an internal policing system using fellow members judging the ethical conduct of members of the House is important. I believe this for two reasons. First, the Constitution requires it. Second, I believe it is important for fellow members to decide whether House rules have been violated and whether a specific act of conduct is appropriate or not. The Justice Department is the external mechanism when laws have been broken.

The source of the power of the committee to recommend and the House to impose sanctions on the conduct of members is in the Constitution, which provides that each House may ''punish its Members for disorderly behavior, and, with the concurrence of two thirds, expel a Member.'' Art. I, &5, cl. 2. Unless the Constitution is altered, I can see no way Congress can place this responsibility on other shoulders.

The key provision in the Code of Official Conduct adopted by the House in 1968, is House Rule 23, clause 1. It states, ''a Member, officer, or employee of the House of Representatives shall conduct himself at all times in a manner which shall reflect creditably on the House of Representatives.'' Combined with House Rule 23, clause 2, which mandates Members to ''adhere to the spirit and letter of the Rules of the House,'' these two rules have the practical effect of allowing Members to judge using the current standards of the House. While subjective, the standard is certainly one that every member should be able to meet. It needs to be subjective because what the House considers to be inappropriate conduct changes over time. For example, in the 1980's two Members were censored for sexual conduct with pages. I believe that a Member found to have committed the same conduct in the current Congress would be expelled.

Another component of standards of conduct used to judge Members is the appearance standard that has been used by the Ethics Committee with increasing frequency in recent Congresses. Based on rule 23, clause 1 and other standards of conduct, the committee has long cautioned members ''to avoid situations in which even an inference might be drawn suggesting improper action.'' The primary concern regarding the appearance of misconduct is that it undermines public confidence in the integrity of the House. The committee has specifically endorsed a rule by the Senate Select Committee on Ethics directing that Senators should avoid the appearance that campaign contributors receive special access and instructed that members of the House should adhere to the same rule with regard of official access. In 1989, the Bipartisan Task Force on Ethics articulated the concern that gifts to Members may create an appearance of impropriety that may undermine the public's faith in government. The Ethics Committee has cited this concern in both the Ethics Manual and its Gift and Travel Booklet and members were publicly sanctioned or cautioned under this standard in 2004, 2000, 1996, and 1995. Any judgment of a Member under the appearance standard can only be done by another Member of the House. It would not be fair or right to have outsiders, even former members, judging a current Member for the appearance of their actions.

Finally, as Senator Douglas stated so long ago, and many colleagues and commentators have echoed since, we must clean up campaign financing. Thus, I introduced a bill in this Congress to ban leadership PACs. Watching our prospective committee leaders scramble for money in order to buy their positions demeans all of us. Fundraising is also nearly a full time job for many members of both parties. Lobbyists, the backbone of the process, are even tired of the obligation, the requirement, of giving, giving, giving to the politicians. The question of impropriety can not help but be raised when the amount of money solicited and poured into other's campaigns determines whether a Member attains a leadership position or committee chairmanship. Money cannot be the price of admission into leadership.

In concluding, I want to thank the Members of the House of Representative who served with me on the Ethics Committee while I was chairman. These include Representatives DOC HASTINGS of Washington, JUDY BIGGERT of Illinois, Representative HULSHOF, Representative LATOURETTE, former Representative Rob Portman of Ohio, former Representative Asa Hutchinson of Arkansas, Representative TUBBS JONES, Representative GENE GREEN of Texas, Representative LUCILLE ROYBALL ALLARD of California, Representative MIKE DOYLE of Pennsylvania, Representative MARTIN SABO of Minnesota, and Representative ED PASTOR of Arizona. In particular I want to thank Representative ZOE LOFGREN of California, who served as the ranking minority on the Shuster investigative subcommittee and came back to serve on the investigative subcommittee for Representative Traficant. Finally, I must thank the two distinguished ranking minority members I served with, Representative HOWARD BERMAN of California and Representative ALAN MOLLOHAN of West Virginia. Each served with honor during difficult times and each never acted or mentioned a partisan issue to me while we were involved in committee matters.

I also want to thank the fine professional staff of the Ethics Committee. Starting with Joanne White, our administrative assistant who insured the committee functioned so efficiently; other assistants Christine Stevens, Sean Kelley, Preston Johnson, Peter Johnson, and Amelia Snider; our counsels Kenneth Kellner, Bernadette Sargeant, John Sassaman, Reed Slack, Susan Pohl, Stacey Duffey, Peter van Hartesfeldt, Susan Olson, and Carol Dixon. Special thanks goes to Representative BERMAN's counsel Bari Schwartz and Representative MOLLOHAN's assistant, Colleen McCarty. The committee was further assisted by two distinguished chief counsels during this period, Robert Walker and John Vargo. Finally, I want to thank my two counsel's while I was chairman, Virginia Johnson and Paul Lewis. Rob Walker and Virginia Johnson provided vital support and assistance during the Traficant matter and John Vargo and Paul Lewis did the same during the complaint filed against Representative DeLay at the end of my tenure.

When I began my service in this House 20 years ago, I never thought I would serve on the Ethics Committee. I certainly never thought I would serve as its chairman. Yet, I now believe it is my duty to speak to you one last time regarding ethics. Ethics advice in this House must be fair, impartial, and nonpartisan. Ethics reform in this House must be fair, impartial, and bipartisan. Ethics enforcement in this House must be fair, impartial and bipartisan. The leadership of both parties should keep their hands off the ethics process once the rules are adopted and the members are assigned to the Ethics Committee. I hope a strong ethics reform package is passed on the first day of this new Congress. But we must do more. I urge the next Congress on the first day to also establish a bipartisan task force to draw on proposals adopted on that first day but to do more and to do better. The work of the 1997 Bipartisan Ethics Reform Task Force is instructive on how major changes in the ethics rule should be made. The task force labored on its recommendations for 4 months, taking testimony from House Members and outside experts in public hearings as well as executive session. It is evident from the task force's final report that it spent hours and days in studying, discussing

and voting upon a variety of rules changes. With so much at stake in the ethics rules for both individual Members and the House as an institution, such open, careful consideration of rules changes is absolutely necessary.

John Barry, the author of "The Ambition and Power," about ethics investigation of Representative Wright, described our Capital as the grandest building in this Nation. I believe our grandest building should also be a cathedral. A cathedral of integrity. Senator Douglas urged each member of Congress to consider the need for a deeper set of moral values. I ask each of my colleagues and the incoming Members of the House to consider the same.

HONORING THE SERVICE AND RETIREMENT OF MIKE LYNCH

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. GORDON. Mr. Speaker, I rise today to recognize a valued staff member—Mike Lynch—who retired this month from the House Science Committee. As one of our Committee Counsels, Mike's legal and parliamentary expertise touched many offices and issue areas during his tenure.

He was a dedicated and long-serving House staffer. Prior to joining the Committee, Mike served in the U. S. House of Representatives from 1977–1994 in several counsel positions. Most notably, he was the Staff Director and Chief Counsel to the Subcommittee on Accounts of the Committee on House Administration from 1985–1993. In each position, Mike honed his legislative skills to become a respected and much sought after Committee Counsel.

As the Science Committee Democrats' principal liaison with the Parliamentarian, Rules Committee and Leadership on parliamentary and legislative process issues, Mike's role was an important one. His mastery of the rules and procedures of the House and his advice to Members and staff on legal and legislative issues before the Committee were vital. No one worked harder than Mike did to protect the prerogatives of Members, the Committee and the Congress.

He loved this institution and that love was evident in his work each and every day. Without fail, his careful analysis of legal issues and sound judgment in rendering opinions and advice resulted in astute answers for the Committee. He also took great pride in mentoring junior Committee counsels and in explaining the intricacies of Committee procedure.

Mike will be missed by many, but we all understand that his retirement now clears his calendar for his other great passions in life—travel and sports, particularly rooting for Notre Dame and the New York Yankees.

The Science Committee's Members and staff wish him well as he moves on to new endeavors and a relaxing retirement. Thank you, Mike, for your many years of dedicated and loyal service.

19TH ANNUAL WORLD AIDS DAY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Ms. WOOLSEY. Mr. Speaker, on December 1, communities around the world came together to remember AIDS' more than 25 million victims and to renew our commitment to the 40 million people currently living with HIV/AIDS.

The 19th annual World AIDS Day was both an opportunity to reflect on the progress we've made combating this illness and a reminder of all of the obstacles we must still overcome. Since 1981, our battle to combat the myths associated with AIDS, the discrimination against people infected with HIV, and the virus and disease themselves have all improved. However, AIDS continues to devastate every region of the world as 6,000 people, half of which are between 15 and 24 years old, become infected with HIV every day.

This year alone, almost 3 million people have died from AIDS, while more than 4 million more were infected with HIV. In Sub-Saharan Africa, 12 million children have been orphaned as a result of AIDS. In California, 56,000 people are currently living with AIDS, making up 14% of our nation's total AIDS population. The AIDS pandemic has become so widespread in our country that it is thought to have killed more than ten times the number of American soldiers killed in Vietnam. We cannot afford to turn a blind eye as this disease takes its toll on the American public.

We must do more to address this global health crisis. Congress must increase its aid for treatment and educational programs to countries burdened by catastrophically high infection rates. The U.S. must support and implement programs that increase the public's knowledge about proper ways to protect against HIV transmission. More people must get tested and more people must receive treatment. Each year World AIDS Day is a wake-up call to the reality that we cannot be complacent with our accomplishments combating AIDS because so much more needs to be done.

That's why I have consistently supported measures to help poor nations get the medicines they need to fight AIDS, and have also joined efforts to fight for more funding for the Global Fund. We work to improve the care available to HIV/AIDS patients while ensuring that socioeconomic status does not limit a person's access to life-saving treatments. Additionally, it is essential that we continue to adequately fund the Ryan White CARE Act, which helps cities, states, and local community-based organizations provide services to HIV-positive individuals who otherwise couldn't afford medication, transportation, food or housing. The time and effort Congress spends on implementing programs that deal with HIV prevention, treatment, education, and support must be in line with the true priorities of the American people. In that respect, we still have a lot of work to do.

Mr. Speaker, I rise today to commemorate World AIDS Day because I believe we must take this opportunity to honor our commitment to those who have struggled with and continue to fight against this destructive disease. As we work to improve HIV/AIDS prevention and treatment, let us do so with the dedication and the drive that the American public demands of us. As we look forward to the new Congress, let us confront this disease head on, finally putting forward the resources we need to conquer AIDS.

H.R. 1176, NONPROFIT ATHLETIC ORGANIZATION PROTECTION ACT OF 2006

SPEECH OF

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. SHERMAN. Madam Speaker, today H.R. 1176, the Nonprofit Athletic Organization Protection Act of 2006, was brought to the floor on the suspension calendar. The suspension process should only be used for bills that are non-controversial. The Republican leadership has once again abused the suspension calendar in order to limit debate on divisive issues. Accordingly, I will not vote to suspend the rules.

DOWNINGTOWN WEST HIGH SCHOOL GIRLS SOCCER TEAM 2006 PIAA CHAMPIONS

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. GERLACH. Mr. Speaker, I rise today to honor the Downingtown West High School Girls Soccer Team for their recent 2–0 victory over the Moon Township High School to win their second Girls Soccer PIAA Class AAA Championship in three years. If fact, this was the same score that Downingtown beat Moon Township in 2004 to become Pennsylvania State Champions.

The Downingtown West Whippets were led by five seniors: Colleen Flanagan, Katelyn Capps, Amber Werner, Christine Thurwanger and Sarah Halpin. This group of seniors boasts three District 1 titles and one Ches-Mont League title in four years.

The Whippets played the championship game against Moon Township in Hershey, Pennsylvania, and managed to shut out the opposition with their determined and aggressive play.

Mr. Speaker, I ask that my colleagues join me today in honoring all of the players, coaches, and supporting staff of the 2006 Downingtown West Girls Soccer Team. The skill, hard work, and commitment to excellence by the entire team led to this spectacular athletic achievement. Their display of character and sportsmanship brings honor to Downingtown West High School and the entire community.

The team is comprised of: Katie Bauer, Hallie Berger, Jessicca Bourroughs, Rae Bradley, Laura Call, Katelyn Capps, Sarah Cardamone, Bridget Coleman, Christie Coper, Nicole Dankanich, Madison Davenport, Brynn Evans, Emily Fenimore, Colleen Flanagan, Laura Flanagan, Kelsea Fortino, Sarah Halpin, Brittney Hamil, Ashley Harrington, Devan Hibbs, Alyssa Johnson, Michelle LaBricciosa,

Amanda Marino, Stephaine Myers, Morgan Obendorfer, Kelly Peterson, Jenny Schleinitz, Katie Schneider, Courtney Sicinski, Jamie Tabor, Christine Thurwanger, Tori Viscuso, Amber Werner, Christie Werner, Lauren Wilson, Courtney Wylie, Head Coach Rob Smith, Assistant Coaches Kelly Cross, Wes Davis, Meredith Markle, and Mary Schanne, and Athletic Trainers Joe Iezzi and Jessica Korn.

CONDEMNING IRAN'S COMMITMENT TO HOLD INTERNATIONAL HOLOCAUST DENIAL CONFERENCE

SPEECH OF

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. GEORGE MILLER. Mr. Speaker, I rise in support of the bill H. Res. 1091, to condemn Iran's commitment to hold an international Holocaust-denial conference.

Recent reports that the Iranian government is sponsoring a Holocaust-denial conference are deeply disturbing and offensive.

Over the course of the last year, the tirades and actions of Iranian President Mahmoud Ahmadinejad and the Iranian government have included calling the Holocaust a myth and holding an international contest for cartoons about the Nazi genocide. President Ahmadinejad has also called for Israel to be ''wiped off the map,'' and his anti-Semitic rhetoric and this conference are clearly part of an ongoing campaign to attack the Jewish people and Israel by any possible means.

We live in a time in world history when we desperately need increased cooperation and understanding between nations and peoples in order to help reduce, not exacerbate, hostilities and tensions that can lead to deadly conflict.

There is no place for these state-sponsored anti-Israel and anti-Semitic provocations. And there is no justification, of course, for a conference on whether or not the Holocaust ever occurred. We all know that it did. To suggest otherwise is a repugnant and inflammatory action that is deeply disturbing to the Jewish people and to all people who had to endure the atrocities of World War II and all genocides that have occurred before and since.

I join my colleagues and the world community in rejecting and denouncing this effort to fan the flames of hatred.

RELIGIOUS COMMUNITY BULLDOZED IN KAZAKHSTAN

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. SMITH of New Jersey. Mr. Speaker, today I express my deep concern about the destruction of thirteen homes in a Hare Krishna commune outside of Almaty, Kazakhstan. It is a saddening development considering that Kazakhstan is a participating state in the Organization for Security and Cooperation in Europe and has been vigorously pursuing a bid to chair the OSCE in 2009. I am greatly troubled by the actions taken against this peaceful religious community, which is reminiscent of the ''bad old days.''

On November 21, 13 Hare Krishna homes were destroyed in the Sri Vrindavan Dham commune in the village of Seleksia, 25 miles from Almaty. Orders to bulldoze the homes reportedly came from the Karasai District Court, giving the residents only 24–hours notice to gather all their possessions. When the bulldozers arrived, they came under the escort and supervision of riot police. The belongings of some who refused to leave were thrown out in the snow, and their furniture and larger household items taken away to be destroyed. Families were left without a home and many others left without water and electricity in the cold of winter.

More damage could still be done—53 more homes (one of which houses a temple) could be demolished and their 116-acre communal farm could be seized. Making this outrage all the more disturbing, the Karasai District Court reportedly announced that it will charge the community for the demolition expenses! I appreciate the strong statement issued by the U.S. Embassy in Astana urging Karasai district authorities to ''refrain from any further aggressive actions.''

The conflict over the commune has steadily intensified since a regional court ruled in March to confiscate the farm without compensation. A special government commission was established in response to international criticism to negotiate with the Hare Krishnas, but this process was short-circuited when the bulldozers revved up. Authorities justify these heartless actions by citing legal problems with the purchase of the farm by Hare Krishnas in 1999, but most observers believe this is nothing more than a land grab dressed up as a legal proceeding.

Despite Kazakhstan's positive reputation for religious tolerance, I have been concerned by governmental actions against minority religious communities, such as the heavy fines (and sometimes arrests) during the past six months against Baptist ministers representing unregistered congregations. Also worrisome are increasingly harsh government policies toward Muslims who practice their faith independent of the government-controlled Muftiate. While President Nazarbayev's initiative to bring world religions together to promote tolerance is laudable, his government's harsh treatment of small and independent groups displays a sad absence of tolerance.

In short, I do not believe these actions befit a country that would be a leader of nations. I urge President Nazarbayev and the Government of Kazakhstan to end these practices, withdraw the court cases to seize the Hare Krishnas' land, and ensure that all individuals are compensated for their lost property.

TRIBUTE TO LOVELLA CRADDOCK

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. SHIMKUS. Mr. Speaker, I rise today to honor Lovella Craddock of McLeansboro, Illinois for her many years of service to the citizens of Hamilton County, Illinois. Lovella began working part-time in the Hamilton County Clerk's Office in 1960, full-time in 1961 and was elected as Hamilton County Clerk in 1974. She will retire December I, 2006 after 46 years of service.

For the past 46 years, Lovella has greeted not only me, but also the citizens of Hamilton County, with a smile as they entered her office to conduct business. Her friendly and courteous service will be missed. It is with gratitude that I thank her for her service and congratulate her on retirement. I wish Lovella all the best in the years to come.

COMMENDING THE IRAQ STUDY GROUP

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. WOLF. Mr. Speaker, I rise to commend the members of the Iraq Study Group and to thank them for their dedication and service to our country.

I have been to Iraq three times, the first two times without military escort. I traveled all over the country. Upon my return I called for the creation of a high level, bipartisan panel to take an honest assessment of the situation in Iraq. To look forward, not back, and to report its findings to the American people.

On March 15, this bipartisan Iraq Study Group was established with co-chairmen former Secretary of State James Baker and former Congressman Lee Hamilton, who co-chaired the 9/11 Commission, leading the 10-member panel—five Democrats and five Republicans. Because of the importance of their task in finding consensus on assessing the way forward in Iraq, at that time, I said it was important to have as members of the group people who loved their country more than their political party.

The group undertook a serious, bipartisan, forward-looking assessment of the current and prospective situation on the ground in Iraq and its impact on the surrounding region, and its consequences on U.S. interests. It focused on political, military, security and reconstruction in Iraq.

In addition to co-chairs, the study group members were former U.S. Attorney General Ed Meese, former Clinton Administration adviser Vernon Jordan, former Clinton Administration chief of staff Leon Panetta, former Defense Secretary William Perry, former Virginia Senator Chuck Robb, former Wyoming Senator Alan Simpson, former Supreme Court Justice Sandra Day O'Connor and former Secretary of State Lawrence Eagleburger. The group traveled to Iraq, and met with hundreds of experts.

Yesterday the Iraq Study Group released its much anticipated report on how we as a country can come together and move forward on Iraq. The report is a tough assessment of the current situation in Iraq and a blueprint for moving forward. Not everyone will agree with every recommendation contained in the report, but it should be given full consideration by the administration, the Congress, and equally important, the American people. Rarely do we see a report that has the full consensus of such distinguished Americans, men and women of honesty and integrity. I thank them for their service and a job well done.

I also would like to thank members of my staff who worked on this issue including Christine Kojac and Mike Ringler of the Science-State-Justice-Commerce appropriations subcommittee, and Janet Shaffron and Samantha Stockman of my personal staff. A special thanks goes to my chief of staff, Dan Scandling, who accompanied me on my trips to Iraq and served as photographer and writer for the trip reports.

HONORING THE LIFE OF ARNOLD ''RED'' AUERBACH

SPEECH OF

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today in honor of Arnold ''Red'' Auerbach, the legendary coach, general manager, and president of the Boston Celtics. Red was the architect and mastermind of one of the most dominant franchises in professional sports history.

He coached the Celtics from 1950 to 1966, and during his tenure the franchise won nine NBA titles, including eight straight from 1959 to 1966—the longest string of championships in the history of North American professional sports. His historic coaching career ended in 1966 with 938 regular season victories, a record that stood until Lenny Wilkins broke it in the 1994–95 season and 9 championship rings, an amount only matched by the current Los Angeles Lakers coach Phil Jackson.

Auerbach was revered for his unique ability to scout and recognize talent. Throughout his time as a coach and in the front office he engineered some of the most historic trades and draft selections in NBA history. One of the most notable was in the 1956 NBA Draft when the franchise traded up to the second pick in the draft and selected Future Hall of Famer Bill Russell from the University of San Francisco. Also, while in the Celtic's front office, Auerbach assembled arguably the greatest front line in NBA history when he drafted Larry Bird in 1978 as a ''junior eligible'' selection and then in 1980 worked out a deal that brought Robert Parish to the team and allowed the franchise to draft Kevin McHale out of the University of Minnesota. All three players are now members of the NBA Hall of Fame and became the nucleus that led the Celtics to 3 world Championships in the 1980's.

Auerbach's influence on the game went beyond the numerous victories and championships; he also was a pioneer in advancing race equality within the NBA. In 1950, the Celtics franchise selected Chuck Cooper of Duquesne University in the second round as the first black player to ever be selected in the NBA Draft. In addition during the 1963–64 season, Auerbach's starting line up of Bill Russell, K.C. Jones, Sam Jones, Tom Sanders, and Willie Naulls became the first all black starting line up in NBA history. And finally upon his retirement in 1966, Auerbach chose Bill Russell to succeed him as the coach of the Boston Celtics becoming the first African American to coach an American professional sports team.

Please join me in recognizing this American legend, his contributions to both the game of basketball and the nation will be forever remembered.

THE SACRAMENTO RIVER NATIONAL RECREATION AREA ESTABLISHMENT ACT OF 2006

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. HERGER. Mr. Speaker, today I am introducing the Sacramento River National Recreation Area Establishment Act of 2006.

This bill was drafted with the direct input and involvement of locally elected leaders in Tehama County, California. It is the product of a citizen-led initiative. Written exchanges, phone calls, meetings, and an on-site visit were all part of the process that has led up to today.

On two separate occasions the Tehama County Board of Supervisors endorsed the concept of creating a National Recreation Area at the Sacramento River Bend, including, most recently, a unanimous endorsement of this specific legislation, which was passed on December 6, 2006. The Shasta County Board of Supervisors and the City of Redding, California both have formally expressed support for the creation of a recreation area at the Bend Area. Various constituents and organizations have done so as well.

Local officials expressed support for a national designation that focused on recreation and respected the nearby communities' goals and priorities. They wanted a designation to build on existing popular outdoors opportunities, such as horseback riding, hunting, fishing, and hiking. They wanted management of the land to attract tourists to the area in order to help the local economy. And they wanted to make sure that neighboring landowners and land uses were protected in the process. It was argued that a national designation for the Bend Area should be a ''win-win'' for everyone in the community. Mr. Speaker, I'm pleased to say that this legislation accomplishes this important priority.

In carrying out the wishes of local officials, the Sacramento River National Recreation Area Establishment Act of 2006 focuses on three important local priorities: recreation, community involvement, and landowner protection.

The bill directs the BLM to manage the Bend Area in a manner that encourages and promotes public recreation. The bill lists, at a minimum, sixteen separate recreational activities that are to occur and be enhanced for public enjoyment of the recreation area and, in turn, help create new economic opportunities for local businesses. Specific language is also included to ensure that this popular destination point for deer, wild turkey, dove, and pheasant hunting, and trophy-sized rainbow trout and salmon fishing remain open and accessible to the public.

The bill also authorizes the Secretary to develop recreation related facilities, such as new trails, restrooms, parking areas, and campgrounds, all of which will help make experiencing the Bend Area more enjoyable for Northstate families. Additionally, the bill clearly states that no fees for same-day use or access to the recreation area may be charged by the BLM unless significant recreation services are provided. This provision will help the public access the Bend Area free of charge for activities like an afternoon hike or bike ride. Any modest fees that could be charged at the Bend Area would be developed in consultation with the public and proceeds would be reinvested in local recreation and safety facilities.

Local involvement and participation is also required in the bill. The legislation would establish an ''Advisory Council'' to ensure that the ideas and concerns of local citizens are incorporated into a management plan for the area. The Advisory Council would be appointed by locally elected officials, and would consist of concerned citizens representing diverse backgrounds and viewpoints. And to ensure that everyone in the community has a chance to participate in the drafting of the management plan for the Bend Area, each meeting of the Advisory Council will be open to public observation and involvement. This important provision will ensure transparency without the unnecessary paperwork burdens and expense associated with the Federal Advisory Committee Act.

Finally, Mr. Speaker, this bill protects private property rights. Local officials carefully drew the recreation area boundaries so as not to include private land. In addition, language was developed to ensure that landowners adjacent to the new recreation area are guaranteed full access to their property, and that efforts to improve or enhance such access are not limited in any way by this legislation. Existing water rights holders are also protected under this bill, as it plainly denies authority to the federal government to acquire water rights to further the purposes and needs of the recreation area. Lastly, livestock grazing, which is very important to the area I represent, is protected in this bill. Local officials supporting the legislation were clear: the right to continue to graze cattle in this area needs to be preserved.

Mr. Speaker, it has been a great pleasure for me to work with local officials and concerned citizens to develop this legislation. But our work is not over. In my view, you can never have too much local participation. Initiatives like this one succeed not because they were created in Congress or by national interest groups. They succeed because they are the product of an on-the-ground effort, led by those who live near and are the most familiar with this special area. I look forward to continuing to work with my constituents who have been involved in this legislation to this point, and urge anyone else with an interest to participate to do so.

This legislation is introduced in the spirit of local involvement and cooperation. It has been carefully written based on local needs and is worthy of the consideration and support of my colleagues in the House.

TRIBUTE TO GONZALES FAMILY

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to honor the memory of a family recently devastated by a tragic drunk driving accident. On Saturday, November 11, Paul Gonzales, Renee Collins-Gonzales, and their

daughters, Alisha Garcia, Jacquelynn Gonzalez, and Selena Gonzales were killed in a horrific accident. Arissa Garcia, Renee's daughter, survived the terrible crash.

Paul was the co-owner of a small family-owned business in Las Vegas, New Mexico, a town he had lived in his whole life. Paul was well-known throughout his home town, especially as a strong supporter of youth sports and academics. A graduate of Robertson High School, he was continually involved in fundraising events for the high schools in the area. He was extremely active with the Robertson band and football team, even designing the 2006 District Championship t-shirts for the school. Extremely civic-minded, Paul was a member of the Las Vegas Fiesta Council and spent some of his spare time helping to restore historical buildings.

Renee, Paul's wife, was also a lifelong resident of Las Vegas. Renee spent her life caring for others, as a nurse at the hospital and in the West Las Vegas School System. Looking to increase her education, she was finishing her master's degree in nursing and was working towards becoming a nurse practitioner. Renee was extremely devoted to her family and always found the time to spend with each one of them.

Alisha, seventeen years old, was Renee's daughter and Paul's stepdaughter. She was a senior at West Las Vegas High School, and was scheduled to graduate in May 2007. Like her mother, she also was extremely dedicated to her family and enjoyed her role as the eldest sister, often putting the needs of her sisters ahead of her own. Alisha was continually active, participating in several sports and music programs, and also learning sign language.

Jacquelynn, the daughter of Paul and Renee, was eleven years old. A fifth grader, Jacquelynn enjoyed participating in her school's basketball and soccer teams, and also enjoyed other sports, camping, and fishing. She was thoughtful and giving, and enjoyed spending time with her family.

Selena, also the daughter of Paul and Renee, had celebrated her tenth birthday only three days before the tragic accident took her life. In fourth grade, Selena enjoyed school and was an honor student. She also enjoyed participating in sports and was known to be daring and to live life to the fullest. Like the rest of her family, she was considerate, thoughtful, and brought joy to all those around her.

While we remember these five extraordinary people, we must also show our support for Arissa, who was the only survivor of the accident. Arissa, who is fifteen, sustained injuries in the accident, but is slowly recuperating and is already back in school.

The members of this family have touched the lives of all members of the community, as was evident by the thousands of people who attended their services. I want to recognize the entire community for coming together to show their support to Arissa and her family. I also want to acknowledge the pledge that students, staff, teachers, friends, and other members of the community have made—that they will never drink and drive, that they will not let a friend drink and drive, and that they will not get into a vehicle with someone who is intoxicated. If more people were to take this pledge and stick with it, the number of drunk driving tragedies surely would decrease.

In recent years, New Mexico has taken many strides to curb drunk driving accidents throughout the State. In fact, recent figures have shown an 11 percent decrease in drunk driving accidents in the past year. However, this tragedy shows that even one drunk driver is one too many.

We all have our own horror stories of how our constituents have been affected by drunk driving accidents. Let's commit ourselves today to taking the necessary steps to truly attack this problem. I intend to work with local, State, and federal officials, as well as the families of the victims of this horrific crash and others that have been impacted by drunk driving to continue to attack this problem. We can only defeat this problem if we all work together.

PROPOSED RULE REGARDING THE MEDICARE PROGRAM AND REVISIONS TO PAYMENT POLICIES

HON. LUIS FORTUÑO

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. FORTUÑO. Mr. Speaker, I would like to express my concern over the proposed rule put forth earlier this year by the Department of Health and Human Services regarding the Medicare Program and revisions to payment policies under the physician fee schedule for calendar year 2007. This rule, as written, would have a negative impact on Puerto Rican doctors and their patients. While I fully support the overall objective of the changes—to ensure that HHS payment systems are updated to reflect changes in medical practice and the relative value of services—I am confident that can be achieved without inflicting another harmful financial burden on Puerto Rico. I would support legislative activity that would prevent further cuts from taking place.

First, it must be understood that the cost of living in Puerto Rico is at least the same, if not higher than in the U.S. mainland. As a matter of fact, the costs of transportation, water, electric power and housing are all notably higher on the Island. These cost differentials were not adequately considered in the proposed rule.

Under the proposed rule, Puerto Rico would be forced to assume two large losses. The first is on the elimination of the payment floor with slightly over a 2 percent cut, plus the cuts in each of the specialties. Radiology would suffer the most, with an average cut of 16 percent. This is an issue that affects doctors, patients and ultimately the quality of care that can be provided to those most in need. I strongly recommend that these proposed reductions be suspended for calendar year 2007, and that the impact of any further floor reductions be considered thoroughly before implementation.

As you know, Puerto Ricans are U.S. citizens and pay the same Medicare payroll taxes and deductibles as their fellow citizens in the 50 States. Thus, we must ensure that Medicare recipients in Puerto Rico have the same access to quality health care as those in the 50 States, and that health care providers on the Island receive satisfactory reimbursements for their services.

RECOGNIZING TAFT COMMUNITY COLLEGE'S ''TRANSITION TO INDEPENDENT LIVING PROGRAM'' FOR YOUNG AUTISTIC ADULTS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. BURTON of Indiana. Mr. Speaker, as a Member of this House who has long voiced concerns about the lack of concerted federal action to deal with the growing epidemic of autism in this country, I was very encouraged by yesterday's passage of the ''Combating Autism Act.''

Although I believe that we missed an opportunity in this bill to resolve the problem of mercury in vaccines and its connection to autism, there is no denying that the Combating Autism Act represents a long overdue and significant expansion of the federal government's response to the autism epidemic. The bill commits an unprecedented $945 million in federal funds over five years to combating autism through research, screening, better interventions and education efforts.

But we should be under no illusion that the job is finished. Autism is a condition that has no known cure, which means that this is a crisis that is simply not going to ''go away.'' What we have done is realistically only a small down payment on the vast resources that we must invest in order to deal with this terrible scourge. For example, in my own State of Indiana we experienced a 923 percent cumulative growth rate for autism from 1992–2003. The annual growth rate of autism in Indiana averaged 27 percent compared to an average of 7 percent for the growth rate of all disabilities. And Indiana's experience is by no means unique. In fact, as a Nation we have gone from roughly 1 case of autism for every 10,000 births in the 1980's to 1 in every 166 today.

What this means in practical terms is that we are now at the beginning of what can be considered a ''bubble'' of older children who have been diagnosed and treated for autism, who now must face the challenges of their disease in a post-secondary environment and beyond. The ''No Child Left Behind Act'' has given our schools the tools to do an excellent job of providing additional teachers, curriculum and individual educational programs for our students with autism. But this assistance is largely confined to the K–12 years and for the most part our schools are only just beginning to effectively meet the growing learning needs of that age group. We are therefore still woefully ill prepared for the unique problems our post-secondary young autistic adults will face as they transition from a relatively protected learning environment to the demands of our modern life. We must recognize the plight of these older children with autism and commit ourselves to providing the additional resources necessary to deal with their unique problems as we have done for younger children with autism.

Recently, I was privileged to meet with officials from Taft Community College, located in Kern County, California. Taft, I am told is one of only two institutions throughout the country currently exploring ways to dealing with this impending crisis. I understand that for the last

ten years Taft has pioneered a ''Transition to Independent Living Program'' (TIL) which provides a structured environment for post-secondary special needs students to successfully meet the demands of our modern world. According to the statistics compiled by Taft Community College President, Dr. Roe Darnell, the achievements of these students and graduates are truly remarkable. I understand that fully 81 percent of the program's graduates are employed and 94 percent live independently. When you consider that the national employment average for all classes of people with a disability is only 37 percent, these results are noteworthy.

According to Dr. Darbell, other ''Snapshots of Success'' include: 93 percent of graduates receive no financial help; 90 percent of graduates use public transportation; 95 percent have a checking account; 80 percent have a savings account.

The Taft Community College curriculum teaches life skills and independent living strategies to its students, with TIL students receiving vocational training, ethics training and assistance in developing sound work habits. A moderately size dormitory in the middle of campus is utilized by Taft Community College as a ''laboratory'' to practice life skills, and Taft officials believe that one of the keys to the success of their TIL program is its emphasis on residential living.

Now I understand that the Taft program handles high functioning adults with autism, which means that the techniques and skills taught to these students may not be completely applicable to young adults, who are more severely autistic, but the pioneering efforts and achievements of President Darnell, his teachers, students and TIL program graduates should be applauded.

Programs like those at Taft will not solve the whole problem of how to deal with the impending boom of autistic adults, but I think it is certainly possible that they are a part of the solution. I sincerely hope that many of the approximately 2,000 community colleges around the country will also begin to recognize the growing educational needs of this underserved population and explore the idea of adopting programs like Taft's TIL, if appropriate, and if not, push the boundaries of what is possible for these victims of autism.

SOUTHEASTERN EUROPE: MOVING FROM ETHNIC CLEANSING AND GENOCIDE TO EURO-ATLANTIC INTEGRATION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. SMITH of New Jersey. Mr. Speaker, when I was appointed chairman of the Helsinki Commission in early 1995, Mr. Speaker, the U.S. foreign policy establishment and its European counterparts were seized by a genocidal conflict of aggression against Bosnia-Herzegovina. Many here in the Congress were already deeply involved in bipartisan efforts to end the conflict by urging a decisive, international response under U.S. leadership. I can still recall the sense of horror, outrage, and shame when the Srebrenica massacre occurred and nothing was done to stop it and other atrocities committed against civilians. Slobodan Milosevic, meanwhile, was comfortably entrenched as Serbia's leader, with Kosovo under his repressive thumb. The situation was truly bleak.

Today, relative calm prevails throughout the Balkans region, though simmering tensions and other serious problems could lead to renewed crisis and conflict, if left unchecked. Overcoming the legacy of the past and restoring dignity and ensuring justice for the victims will require sustained engagement and vigilance. Integrating the countries of the region into European institutions can advance this process.

Slovenia has become a full-fledged member of both NATO and the European Union. Croatia is well on its way to similar membership, and Macedonia and Albania are making steady progress in the right direction. In a welcome development, Bosnia-Herzegovina, the epicenter of bloody carnage and mass displacement in the mid–1990s, was invited last week to participate in NATO's Partnership for Peace Program, along with Serbia and the newly independent state of Montenegro.

As a longstanding member and leader of the Helsinki Commission, I want to highlight some of the numerous initiatives we have undertaken in an attempt to draw attention to developments in the Balkans and to influence related policy. Since 1995, we have convened more than 20 hearings on specific aspects of the region as well as related briefings, legislation, letters, statements and meetings. These efforts have been undertaken with an uncommon degree of bipartisanship. In this regard, I particularly want to thank the Commission's outgoing ranking member, Mr. CARDIN of Maryland, for helping to make this a reality.

Among the Commission's most noteworthy accomplishments, I would include garnering the strong support that contributed to the establishment of the International Criminal Tribunal for the former Yugoslavia and pressing countries to cooperate in bringing those responsible for war crimes, crimes against humanity and genocide to justice. I would include the change in U.S. policy from relying on Milosevic to implement the Dayton agreement to supporting democracy in Serbia as the long-term and genuine partner in building regional peace and stability.

We have maintained a significant focus on elections, encouraging all the countries in the region to strive to meet international standards for free and fair elections as well as referenda. There has been tremendous progress in this regard.

The Commission's support for the OSCE, I believe, has helped the organization's field activities in southeastern Europe to be more successful in promoting respect for the human rights and fundamental freedoms of all the people, regardless of ethnicity. Finally, on the more controversial policy of NATO's action against Serbia in 1999, the Commission served as a forum to air differing views on the policy response while finding common ground in addressing the humanitarian crises, documenting human rights abuses and holding human rights violators to account.

Mr. Speaker, while welcoming this progress in southeastern Europe, I would caution against complacency as the region faces significant challenges. Maintaining positive momentum will require much from actors in the region as well as the international community, including the United States.

First and foremost is the situation in Kosovo. The pending decisions that will be made on Kosovo's status give rise to growing expectation as well as apprehension and concern. Despite the many debates on larger issues of sovereignty, territorial integrity, and self-determination, these decisions should and will ultimately be judged by whether or not they lead to improved respect for human rights, especially the rights of those people belonging to the Serb, Roma and other minority communities in Kosovo. The members of the minority communities deserve to be treated as people, not as pawns in a fight over territory and power. They should be allowed to integrate rather than remain isolated, and they should not be discouraged from integration when opportunities arise. I remain deeply concerned that these issues are not being given the attention they deserve. Whatever Kosovo becomes, OSCE and other international human rights standards must apply.

Similarly, there is a need to ensure that justice is vigorously pursued for the victims of horrendous human rights violations. Conditionality on assistance to Serbia, as well as on that country's integration, must remain firmly in place until Belgrade cooperates fully in locating at-large indicted war criminals and facilitating their transfer to the ICTY in The Hague. It is an outrage that Ratko Mladic and Radovan Karadzic remain at large. After refusing to take meaningful action on these cases, Serbia can not be let off the hook now, but should be pressed to comply with its international obligations.

A related issue is that of missing persons. Ten years after Dayton, additional mass graves continued to be uncovered, and the identification of the remains of relatives and loved ones is important for the survivors of past atrocities and their societies. The Commission recently held a briefing on identifying remains found in mass graves in Bosnia, and I hope that support for determining the fate of missing persons can be further strengthened.

While some progress has been made in combating trafficking in persons in the region, all countries there need to intensify their efforts to end this modern-day form of slavery. Political will and adequate resources will be required, including through enhanced efforts by law enforcement and more vigorous prosecution of traffickers while providing protection for their victims.

Religious freedoms also remain a cause for concern. Various laws in the region allegedly providing for religious freedom do more to restrict this fundamental right by establishing thresholds for registration, by discriminating against small or new religious groups through tiers of recognition with associated privileges for traditional faiths, and by precluding the sharing of creeds or limiting free speech. These restrictions are particularly burdensome to smaller religious groups and can lead to stigmatization, harassment, and discrimination against their members. For instance, Kosovo's new religion law singles out certain communities for special status while failing to address how other religious groups can obtain juridical personality as a religious organization, thereby creating a significant legal void from the start. I urge Kosovo authorities to follow the progressive Albanian system and create a neutral registration system of general applicability. Macedonia is considering a draft law now, and I hope authorities will fully adopt the recommendations of the OSCE Panel of Experts

on Religious Freedom, as certain provisions of the draft regarding the granting of legal personality need additional refinement. I similarly call on Serbian officials to amend their current law and ensure all groups seeking registration receive legal status. Meanwhile, there is a need to step up efforts to respect the sanctity and ensure the safety of places of worship that have in the past been the targets of ethnically based violence in Kosovo, Bosnia, Serbia and elsewhere.

Mr. Speaker, concerted efforts by courageous leaders in the Balkans and elsewhere have helped move the region from the edge of the abyss to the threshold for a brighter and more prosperous future. I congratulate the countries of southeastern Europe on the progress achieved thus far and encourage them to make further progress to ensure that all of the people of the region benefit.

TRIBUTE TO WESTERVELT CHRISTIAN CHURCH

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. SHIMKUS. Mr. Speaker, I rise today to honor the Westervelt Christian Church on the occasion of its induction into the National Register of Historic Places in February 2006. Westervelt Christian Church celebrated this special occasion with a ceremony on October 8, 2006.

The church was formed in 1921 after the Antioch Church families, living in Westervelt, felt they were traveling too far for services and desired that a new Christian church be built in Westervelt. It is believed that charter members of the First Christian Church were accepted on October 31, 1921 and that a list of these members was placed in the cornerstone of the church.

The church, built in classical revival style, was built during the years of 1921, 1922 and 1923. The lots for the church were donated by E.D. and Alpharetta Kerr and Charles and Minnie Donnel. The architect was Charles Harris and he designed the interior of the church to have outstanding acoustics while the outside of the building was designed to resemble a Greek temple. The building was dedicated on May 6, 1923. To this day, the church still uses the original theater seats, an original serving table in the basement as well as the original hanging lights.

In 1968, the congregation of First Christian Church decided to remove themselves from the Disciples of Christians Churches. The church formed new articles of incorporation and changed the name to Westervelt Christian Church, a now independent Christian church. Today, the church has the following mission statement, "The mission of the Westervelt Christian Church is to exalt and worship Almighty God by living, teaching and preaching the gospel of His Son and our Savior Jesus Christ as revealed to us by His holy word, the Bible."

I am pleased to congratulate Westervelt Christian Church on this special occasion. My prayers are with the church during this special time. May God bless the congregation of Westervelt Christian Church.

GAMBLING EXPLOSION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. WOLF. Mr. Speaker, gambling is exploding throughout our country. I am deeply concerned about the impact this is having on our society. Gambling destroys families and preys on the poor.

Mr. Speaker, I would like to share some comments from a recent speech delivered by Rev. Tom Grey, national spokesman and field director for the National Coalition Against Legalized Gambling and National Coalition Against Gambling Expansion. Rev. Grey gave these remarks to the Seventh Annual Commercial Real Estate Deal Maker Forum on October 24, 2006, in Cleveland, Ohio, as Ohio voters were considering the question on the Ohio ballot to legalize casino gambling. The proposal, which included money allocated for education, was dubbed the "Earn and Learn" initiative. Voters defeated the initiative 57–43 percent on election day, November 7.

Tom has worked to bring attention to the harm gambling can bring to families and communities. Excerpts of Tom Grey's speech follow:

Gambling is like a fungus. If it gets started in one region, it tends to spread. We saw this happening, and in 1994 we formed, from the bottom up, a national organization to fight it. We gathered local and state activists and formed the National Coalition Against Legalized Gambling. We started sharing information and we challenged the spread of gambling at the ballot box. We did that in the peak of hard times for states. State budgets were upside down all across the country, and the casinos were pitching gambling as 'the force of history, the wave of the future.' In the beginning there were bands playing while governors cut ribbons and welcomed the riverboats as economic salvation. The promoters declared that gambling was 'inevitable,' but a decade later we now know it isn't even desirable.

The wave of gambling hit a wall when we started exposing the product. Key votes in Ohio, Rhode Island, Missouri, and Florida surprised the gambling promoters. Voters turned it down. They burst the balloon of inevitability. The promoters lost. Ordinary citizens were successful. It's at the ballot box where we have our best results. They can buy legislators with their threats and big campaign contributions, but they can't buy elections.

Gambling is and always has been an 'other side of the tracks business.' Do you really believe that valued lakeside museums and gateway sports complexes are enhanced by having a casino next to them? In addition, there are terrible side effects with this product. Read the label. 'May Cause'—no—'WILL cause addiction, bankruptcy, crime and corruption.'

Well, most of you are here this morning because you are business people whose businesses rise with the tide of a flourishing Cleveland, the community where you live and do business. Let me use an example from one of America's most admired businessmen from the past named Herb Taylor.

For Taylor, a deal wasn't a good deal unless it was a good deal for everyone. Every deal, and every major business decision, had to pass these four questions, or tests:

Is it the truth?

Is it fair to all concerned?

Will it build good will and better friendships?

Will it be beneficial to all concerned?

IS IT THE TRUTH?

The casino crowd has made billions turning teachers, school kids and PTA parents into gambling lobbyists. They do this by promising money for education, and that's exactly what they're doing in Ohio. Gambling promoters need to pick education or some other worthy community cause to buy their way into our communities or states. They want us to overlook the fact that the lion's share of the money goes to them. In Ohio, it's 55 percent. They want us to think the money's not going to the gambling promoters; they want you to think it's going to the schools.

Gambling isn't new money. It's re-directed money. It's trading dollars. Gambling came to New Mexico in 1994, and by 1998 the state's Secretary of Taxation and Revenue reported roughly $1 to $1.2 billion per year in other taxable sales had fallen off the balance sheet. Entertainment, retail, restaurants, and services took huge hits from the casinos, and as a result, paid far less in taxes. The best the economists could say was the economy was playing a 'zero sum game.' The casinos were winning and the other businesses were losing.

Is the gambling sales pitch the truth? NO! No state has gambled itself rich, including Nevada—a state that should serve as a model for what a state can produce with gambling. Nevada recently passed the largest tax increase in that state's history. Republican Governor Kenny Guinn told his legislature in his inaugural address, 'Our revenue system is broken because it has relied on regressive and unstable taxes.' (Guinn understands that when you take money from the citizens to run the government, it's still taxes, even if you do it with a slot machine.) Guinn told his legislature, 'Implicit in this (gambling) tax strategy was a belief that the revenues from gaming and tourism could keep pace with our growing and diverse population. Unfortunately, this strategy has failed.'

Nevada ranks near the bottom in per pupil spending on education, and spends less per capita on Medicaid than any other state. If those two areas don't concern you, take a look at where Nevada ranks in high school dropout rates, teen pregnancy, and children living in poverty. If the epicenter of gambling can't gamble itself rich—if the poster-child of casino-gunded government can't balance the budget, and if the model of slot machine largesse fails its kids so miserably, why would Ohio want to follow Nevada on its downward path?

IS IT FAIR TO ALL CONCERNED?

The simple truth is that 30 to 50 percent of casino gambling money comes from problem and pathological gamblers. Can anyone think of anything more cynical than funding education on the backs of sick and troubled people?

There are about 400 of you here this morning. If casinos come to town, you can expect about 12 of you will become this kind of addicted gambler. You might not steal, but the addiction will likely cost you your home, your savings, your family, and your self respect. It could be you, your spouse, your siblings, your children. In the end, this addiction humiliates formerly great citizens to the point of desperation and even suicide. Gambling addicts think about suicide more than any other addictive group, and they act on those thoughts.

Inviting a casino to town is playing Russian roulette with your friends and neighbors; employees and business partners. At 3 percent, which is conservative in a casino town, it would be like giving you a handgun with 400 chambers, and 12 of them are loaded. Are you sure you want to pass that around

the tables? Are you willing to pull that trigger?

New addicted gamblers cost more than $11,000 each—MINIMUM in 'externalities.' That's extra costs the society pays for law enforcement, incarcerations, lost worker productivity, divorce, health care and the like. Gambling isn't entertainment like shopping or the movies. It always brings with it a tide of what we call the ABCs of Gambling: Addiction, Bankruptcy, Crime and Corruption. These cost the state, and the taxpayers, and you, the businesses, money. That's why gambling is a net loss to the economy.

So what's your share? Let's do the math. Park a casino in your town, and the addiction rate will hit 3 percent or higher. Each new addict costs the economy more than $11,000. That's about $33,000 for each hundred people, or $330 a year for each of you. And that's using the most conservative numbers available!

WILL IT BUILD GOOD WILL AND BETTER FRIENDSHIPS?

Well, I doubt it. Making slots promoters rich by turning citizens into losers isn't a friendly relationship. It's adversarial, predatory and parasitic. It doesn't build friendship. It builds cynicism and despair. Good will means the customer goes home and says I got a good deal.

Why does gambling have to keep expanding? Why do the casinos need to be open at 3 in the morning? Because that's what it takes to suck the addicted people dry. You just don't see many church-going college graduates that pay their credit cards on time yanking on slot machines at 3 in the morning. Did you notice this proposal has already set the stage for the conversion of slots parlors into full-blown casinos?

Corruption is government trying to make losers of its citizens by legalizing something that damages the very health of its citizens, all under the guise of a painless revenue stream. Take another look. The revenue stream is running backwards, and the pain is intense. History has proven this—over and over again. Gambling does not build friendships. It builds dependencies. It breeds corruption.

WILL IT BE BENEFICIAL TO ALL CONCERNED?

Beneficial to all means everyone should be better off, not worse off. John Kennedy once said a rising tide lifts all boats. If gambling made all winners, it would be beneficial to all concerned. Of course, gambling makes losers and the citizens are worse off because of that. Even the people who never gamble lose money: the citizens and taxpayers. They get stuck with additional costs that they didn't have before: those public health and crime costs that ALWAYS follow gambling.

In order to enrich themselves, these slots promoters are asking you to divert money from legitimate businesses, move jobs from real commerce to casinos, and give the taxpayers the bill for the social costs. Remember, the promoters openly admit they expect Ohio to sacrifice the health and lives of 109,000 of its citizens. They propose to make those people very sick, and then spend another $28 million to treat them. And even that sum isn't going to cover the bill. Not by a long shot. Do the math.

Multiply that 109,000 new addicts the promoters ADMIT they will cause, times the $11,000 each for social costs. That comes to $1,199,000,000 loss for the economy of Ohio. Why would we accept making 109,000 people sick, and then losing more than a billion dollars from the economy to boot?

The Pew Research Center just this year found three important changes in Americans' thoughts about gambling. First, they found that 7 in 10 Americans say that legalized gambling encourages people to gamble more than they can afford. That's up about 10 percent in the past 10 years. Second, a plurality, 42 percent of adults say casinos have a negative impact on their communities, while only about a third, 34 percent, say casinos have a positive impact. Third, and most revealing, the study found that only 23 percent of Americans actually enjoy gambling. That's down from 34 percent just 10 years ago. Think about that. If your product drops 11 percent in the people who enjoy it, you're in trouble.

HONORING DR. WILLIAM FELICE, FLORIDA PROFESSOR OF THE YEAR

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. YOUNG of Florida. Mr. Speaker, I rise to honor Dr. William F. Felice, a professor of Political Science at Eckerd College, who has been named the 2006 Florida Professor of the Year by the Carnegie Foundation for the Advancement of Teaching. Dr. Felice was honored here in Washington on November 16th along with professors of the year from 43 states,

It is my privilege to represent Eckerd College, a St. Petersburg, Florida college led by its President Donald R. Eastman III, which emphasizes quality undergraduate education. Dr. Felice is one of many outstanding members of the Eckerd faculty.

Motivating students in his international relations classes is Dr. Felice's principal goal as a professor. He is highly successful as since 1995 when he joined the Eckerd faculty, he has been awarded some of the college's highest honors by his students and his peers. He received the John M. Bevan Teaching Excellence and Campus Leadership Award in 2005. The students voted him the Professor of the Year in 2003 and the faculty voted him the Robert A. Staub Distinguished Teacher of the Year in 1999.

This latest honor though is not his first national recognition, as he earned the 1999 American Political Science Association (APSA) Outstanding Teacher in Political Science Award from APSA and Phi Sigma Alpha, the National Political Science Honor Society.

Mr. Speaker, following my remarks I would like to include for the benefit of my colleagues a profile of Dr. Felice published by Eckerd College. Clearly he has found a way to inspire his students to study more about the world around them and I commend him for this great honor and for the personal energy and enthusiasm he brings to the classroom.

''My primary pedagogical method is to teach international relations in a Socratic style, constantly questioning and interacting with the students in the class. I strive to motivate students to understand the importance of international relations by my example. With conviction and passion, I try to show students how central these issues are, both to my own personal intellectual journey and to world affairs.''—William F. Felice

William F. Felice, Ph.D., Professor of Political Science at Eckerd College, has been named the 2006 Florida Professor of the Year by the prestigious Carnegie Foundation for the Advancement of Teaching. The U.S. Professors of the Year Program, administered by the Council for the Advancement and Support of Education (CASE), is the only national initiative specifically designed to recognize excellence in undergraduate teaching and mentoring.

Professor Felice was recognized on November 16, 2006 in a Washington, D.C. awards ceremony along with professors from 43 states, the District of Columbia, and Guam. The following day, also in Washington, Florida Congressman C.W. Bill Young extended personal congratulations to Professor Felice.

''It is a fitting tribute to Professor Felice to be recognized as the 2006 Florida Professor of the Year,'' said Eckerd College President Donald R. Eastman III. ''Professor Felice epitomizes what is one of Eckerd College's greatest strengths in the academic program: the mentoring relationship between the professor and student. Professor Felice, who exudes passion in his teaching about human rights and social justice, motivates students to find the courage to address issues of poverty and despair with a sense of hope that their efforts will make a difference in this world.''

''Not only has Prof. Felice distinguished himself as a truly outstanding teacher whose impact on students is profound,'' said Vice President for Academic Affairs and Dean of Faculty Lloyd W. Chapin, ''he has contributed substantially to building an extraordinary undergraduate International Relation and Global Affair Program that offers students unique opportunities to study both here and abroad. They study at the United Nations in New York City and in Geneva, Switzerland, and complete domestic and international service learning projects. Highly respected also for his curricular leadership, he coordinated our capstone senior course, Quest for Meaning, from 2004–2006 earning rave reviews from the interdisciplinary team of twenty faculty who participate in the course.

''Repeatedly, students tell me stories of the transformative effect that Professor Felice has had on their intellectual and ethical lives.''

HOW TWO FORMER STUDENTS REMEMBER PROFESSOR FELICE

Professor Felice's courses have included Ethics and International Relations, Introduction to International Relations, Quest for Meaning, International Political Economy, Geneva and International Cooperation, Human Rights and International Law.

''Dr. Felice inspires and motivates his students in many ways, but one of his greatest gifts as a teacher is his ability to teach about empathy toward the poverty-stricken and oppressed in our local community and on a global scale.''

—Kathleen Deegan, B.A., Eckerd College, 2003

''One professor in particular sticks out in my mind as a humble hero whose passion and enthusiasm for life and education infuse his teaching with boundless energy, encourage his colleagues to aspire to higher levels of learning and teaching and inspire his students in ways admired by many and replicated by few. Though I honestly believe that Professor Felice could easily have led a life of fame, world travel and excitement as a politician or an international affairs consultant, I am selfishly grateful that he chose to dedicate so much of his time to teaching and I hope that he realizes just how great an impact he has made in that role.''

—Taryn Fielder, B.A., summa cum laude, Eckerd College, 1999; J.D., Harvard Law School, 2002

TEACHING AWARDS

Professor Felice joined the Eckerd College faculty in 1995. Since then Professor Felice has received Eckerd College's John M. Bevan

Teaching Excellence and Campus Leadership Award (2005), and he has been recognized by the students as Professor of the Year (2003) and by the faculty as the Robert A. Staub Distinguished Teacher of the Year (1999). In 1999, Professor Felice received the APSA Outstanding Teaching in Political Science Award, presented by the American Political Science Association (APSA) and Pi Sigma Alpha, the National Political Science Honor Society.

Professor Felice earned his B.A. in History from the University of Washington; his M.S. in Political Economy from Goddard College; and his Ph.D. in Political Science/International Relations from New York University. Prior to joining Eckerd College, he taught at Rhodes College in Memphis, Tenn.

SCHOLARSHIP AND PUBLICATIONS

Professor Felice has published two books that are highly regarded by scholars in the field, Taking Suffering Seriously (1996) and The Global New Deal (2003). In The Global New Deal, Professor Felice wrote, ''There is nothing preordained by either the structure of the international system of states or the economic system of the market that makes economic and social human rights a dream. They are not a utopian fantasy. They can be achieved. The question is: Do we have the courage to walk the path?''

He has also published numerous articles and academic papers which address international issues and human rights, including, ''Human Rights Disparities between Europe and the United States: Conflicting Approaches to Poverty Prevention and the Alleviation of Suffering,'' (Cambridge Review of International Affairs, Vol. 19, No. 1, March 2006) and ''The UN Committee on the Elimination of all Forms of Racial Discrimination,'' (Human Rights Quarterly, Vol. 24, No. 1, February 2002). Professor Felice serves on the editorial board of the journal Human Rights and Human Welfare.

CARNEGIE COUNCIL ON ETHICS AND INTERNATIONAL AFFAIRS

During the 2004–05 academic year, in collaboration with the Carnegie Council on Ethics and International Affairs (CCEIA), Professor Felice led a four-part lecture series, ''America and the World: Ethical Dimensions to Power.'' The series inspired a booklet distributed nationally, Ethical Dimensions to American Foreign Policy: A Study Guide to the Four Freedoms. From 1999–2005, he served as a CCEIA Trustee.

ENGAGING THE COMMUNITY IN CONVERSATION

In the 2006–07 Col. Christian L. and Edna M. March International Relations Lecture Series, which is also part of the Presidential Events Series, Professor Felice coordinates the program on ''The Ethics of Economic Globalization.'' Invited speakers this year include Peter Singer, Jagdish Bhagwati, Micheline Ishay and Gita Sen. At The Studio@620 in downtown St. Petersburg, Professor Felice serves as co-facilitator of the 620 Round Tables on Social Justic, co-sponsored by Eckerd College.

TRIBUTE TO HENRY HYDE

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today to pay tribute to a dear friend of mine, Representative HENRY HYDE. HENRY has been a devoted public servant to the people of Illinois and this Nation for many decades and it is hard to see him leave the Halls of Congress at the end of this session.

HENRY began his political career in the Illinois State House in 1966, rising to the rank of majority leader before turning his sights to Washington. Coming to Congress in 1975, HENRY is leaving Washington as one of the most distinguished and well respected Members to serve in the U.S. House of Representatives. He had the unique honor to serve as Chairman of two of the biggest committees, the Judiciary Committee and the International Relations Committee. Throughout his time here he has fought diligently for many worthwhile causes and led us through some of the most tumultuous times in our nation's history, but what I will remember HENRY HYDE most for was the way he carried himself while serving our citizens.

Always honest, passionate, and fair, HENRY HYDE is an example to us all about the ways we should carry ourselves in these hallowed halls. Mr. Speaker, this Congress will miss HENRY HYDE and his influence and I rise today to say thank you and God Bless.

HONORING KING COUNTY DEPUTY SHERIFF STEVE COX

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. McDERMOTT. Mr. Speaker, I urge all of my colleagues in the House, my constituents in Washington's 7th Congressional District, and First Responders across America to join me in honoring a fallen hero, King County Deputy Sheriff Steve Cox.

Last weekend, Steve Cox, an extraordinary public servant, was killed in the line of duty while interviewing witnesses to a shooting in the White Center neighborhood of Seattle, Washington. The tragic loss of this 9 year veteran of law enforcement has stunned and saddened our entire community.

Steve Cox had become the White Center neighborhood's Superhero. Area residents remembered Deputy Cox in The Seattle Times as the person ''who was single-handedly making the streets safer and the neighborhood better. He became so deeply involved in community issues that he was elected president of the local Council. To his family, he was a man who had found new joy since he and his wife, Maria, adopted a baby, Bronson, who turned 1 in October.''

Deputy Cox exhibited a personal and steadfast commitment to law enforcement and community safety that spanned varied sides of the law enforcement profession. The son of teachers, Deputy Cox was an attorney and served as a deputy prosecutor in Franklin and King Counties prior to becoming a King County Sheriff's Deputy 9 years ago.

I had the honor of meeting Deputy Cox in our community. I know that he touched the lives of so many that he so honorably served.

Deputy Steve Cox led by example. He was and will always be a role model of selfless public service. We mourn his passing, but we are grateful for the life he led on our behalf and the legacy of idealism and heroism we will never forget.

IN RECOGNITION OF THE SAINT JEAN BAPTISTE CHURCH ON THE OCCASION OF ITS 125th ANNIVERSARY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mrs. MALONEY. Mr. Speaker, I rise today to pay tribute to the Saint Jean Baptiste Church in New York City. The Church began celebrating its 125th anniversary year on Saturday, December 2nd. Founded by French-speaking residents of the Yorkville neighborhood in Manhattan, Saint Jean Baptiste began as a national church with special permission from the Holy See. Saint Jean Baptiste Church has since become a blessed sanctuary for Catholics of all backgrounds and a familiar and beloved institution on Manhattan's Upper East Side.

The Societé Saint Jean Baptiste, founded by Gabriel Franchére in 1850, first launched a project to establish a national parish for New York's burgeoning francophone Catholic community under the guidance of Father Peter Cazeneuve. At an organizing meeting held in 1881, local worshipers resolved to hold religious services in a central location and took a collection, raising twelve dollars. This was but the first drop in what was to become a torrent of generosity from supporters of Saint Jean Baptiste. Before the erection of its first church, parishioners held services in a rented hall located over a stable, affectionately known as the ''Crib of Bethlehem.'' Because of their dedication to establishing their own congregation, John Cardinal McCloskey of New York granted Saint Jean Baptiste's parishioners permission to build their own church in 1882. Later that year occurred a groundbreaking and a ceremony blessing the cornerstone presided over by Archbishop Michael Corrigan.

A decade later, the Church became a shrine to Saint Anne when the Right Reverend J.C. Marquis of Canada bore the relic of Saint Anne from Rome to the Church en route to Canada. When news spread that the relic of Saint Anne was to be shown to the parishioners, a large crowd filled the church that evening. One parishioner, an epileptic, was suffering from convulsions that were said to have been cured immediately upon being touched by the relic. In the following days and weeks, crowds estimated in the hundreds of thousands visited the little church, with many traveling from as far away as New England and the Middle Atlantic states. Deeply moved by the outpouring of devotion, Monsignor Marquis arranged to divide the sacred relic of Saint Anne, and a novena was dedicated in her honor. The relic was soon joined by another bestowed by Pope Leo XIII that was sent from the Shrine of Sainte Anne d'Apt in France.

At the turn of the twentieth century, the Church of Saint Jean Baptiste opened another important chapter in its storied existence when it became the location of a Eucharistic shrine. Today, it is one of just two churches in all of New York City that are served by the Congregation of the Blessed Sacrament, an apostolic organization whose religious life centers on the power of the mystery of the Eucharist. Increasingly, Saint Jean Baptiste Church began to serve a diverse range of Catholics

from all walks of life and backgrounds. A generous benefactor, Mr. Thomas Fortune Ryan, made significant contributions that allowed the Church to build a magnificent new building that could accommodate 1,200 worshipers. The international prize-winning design by Nicholas Serracino provided a church of the purest Renaissance style, constructed of Indiana limestone, with twin towers surmounting the edifice, arches and fluted pilasters supporting the rounded ceiling that covering three naves, a wide cornice extending around the nave and at the middle height of the apse, and an impressive approach of church-wide steps. The new building's cornerstone at Lexington Avenue and East 76th Street in Manhattan was laid in 1912, and the new Church was fully completed two years later.

Today, Saint Jean Baptiste Church remains a thriving institution, offering spiritual sanctuary, education, social services, and a wide range of other programs to the people of New York City. Under the able stewardship of the Reverend Anthony Schueller, S.S.S., the Saint Jean Baptiste Church continues to uphold its proud history and traditions.

Mr. Speaker, I ask my distinguished colleagues to join me in recognizing the extraordinary contributions to the civic and spiritual good of the people of New York City made by the historic Saint Jean Baptiste Catholic Church and its parishioners, past, present and future.

TRIBUTE TO SGT. MARION RAY

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. SHIMKUS. Mr. Speaker, I rise today to honor Sgt. Marion Ray on the book signing release for his book, Damn Cold and Starving, which tells his story as a prisoner of war. He was part of the 106th Infantry Division, 424th Regiment, First Battalion.

Sgt. Ray and fellow infantrymen were captured on December 17, 1944, by two German soldiers in Winterspelt, Germany, and were held until the spring of 1945. This was the first day of the Battle of the Bulge. During his time as a POW, Sgt. Ray was held in three different internment camps. He uses his book to describe the main hardships and difficulties he encountered.

It is a pleasure to thank Sgt. Marion Ray for his service to our great Nation. I appreciate his service and sacrifice and know his book makes a great contribution to our Nation's history.

HONORING GARY STEWART OF DUCKS UNLIMITED

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor Mr. Gary Stewart for his decades of work as one of North America's finest waterfowl biologists, and to thank him for all that he has done to mobilize a diverse group of interested parties to further the goals of conservation. His leadership has aided conservationists throughout the Pacific Flyway in maintaining viable waterfowl populations and protecting key landscapes. He is retiring from a prestigious career with Ducks Unlimited Canada in December 2006.

Mr. Stewart began his efforts with waterfowl on the Prairies of Manitoba studying blue-winged teal. His career with Ducks Unlimited Canada ignited in 1979 as a young, energetic Area Biologist starting a program in New Brunswick. After 5 years, he traveled west to take on the challenge of Alberta Provincial Biologist. In that role, Gary advanced many important scientific and program delivery components of the vital Alberta landscape for over a dozen years, including critical planning and delivery of early NAWMP activities.

From his knowledge of the key waterfowl breeding areas, Mr. Stewart stimulated Flyway concern and support for conservation in the Prairies and Boreal Forest. This conservation outreach extended to the western U.S., major donors, industry partners, First Nations, and governments. A key linkage was established among Ducks Unlimited, Pacific Flyway waterfowl biologists, and especially the State of California. He was instrumental in coordinating the first Flyway biologist meeting with Ducks Unlimited Canada staff, and he built a strong cross-border working relationship with the Western Regional Office of Ducks Unlimited, Inc. and U.S. partners.

In 1997 Mr. Stewart pioneered work in the Western Boreal Forest as Manager of Conservation Programs, a task at which he excelled. Under his leadership, the Western Boreal Forest readily became known across the continent as ''the other duck factory,'' with a unique set of values and challenges. His entrepreneurial spirit, passion, energetic approach and strategic thinking have resulted in a greatly increased understanding of the landscape and several specific examples of critical conservation.

Mr. Speaker, over the years, Mr. Stewart has earned a great deal of personal and professional respect from those who have had the pleasure of knowing and working with him. He readily shared his knowledge with younger staff and partners. I would like to personally thank Gary for working with me, and extend the thanks of all who have benefit from his leadership.

TRIBUTE TO DAVID AND DOLLY FIDDYMENT

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. DOOLITTLE. Mr. Speaker, today I wish to thank and congratulate my friends, David and Dolly Fiddyment of Roseville, California, for their generous contributions to furthering the field of education. They have made an extraordinary gift of $1.09 million to establish the first endowed chair at the University of California, Davis (UC Davis) School of Education. With this contribution, they are furthering their family's heritage as education pioneers in Northern California.

The Fiddyment Family's roots in the greater Sacramento area predate both the advent of railroad and the founding of the City of Roseville—which the family helped to start. David's greatgrandmother, Jane Fiddyment, acquired an 80-acre parcel in 1856. The parcel eventually grew to encompass 2,200 acres of livestock, grain, and pistachio farms. David and Dolly themselves have been growing pistachios at Fiddyment Farms in Roseville since 1969 and have helped shape the State's vibrant pistachio industry.

Mr. Speaker, the Fiddyment Family's commitment to education runs as deep as their rich history in agriculture. Great-grandmother Jane Fiddyment gave a portion of her land for one of the first schools in the Roseville area in the 1880s. She felt that the school building and playground were essential so that children in the area could receive needed instruction. It was a one-room structure with an oblong iron wood stove in the center of the room, a tall pine flag pole in the front, a good well, and a shed for stabling the horses ridden by youngsters from near and far. It was known as the Pleasant Grove School, and Jane became its first teacher. The school continued in operation until 1911.

Continuing the tradition, the mothers of both David and Dolly taught school in the early 1900s, and Dolly was a teacher in the San Juan Unified School District for 25 years.

Like the Fiddyments, UC Davis has a long history of working to strengthen schools, dating back to the first teacher-training program held on the University Farm in 1918. With the founding of the School of Education in 2002, the university revitalized its commitment to K–12 education.

The Fiddyments' financial gift will enhance UC Davis' leadership position in preparing the next generation of teachers to respond to the critical issues facing our schools. This is the largest private donation made to the School of Education and one of the few in the Nation given to support an endowed chair in teacher education.

Mr. Speaker, as Harold Levine, Dean of the School of Education said, ''This gift is a milestone in our growth and signals the importance of teachers and teacher education to all of us. We are honored to have the Fiddyments as partners in our mission to strengthen teaching and learning for all.''

David added, ''It is such a joy for us to be able to stand up and take a position on something of such importance. With this gift, we are hoping to make a difference in the education of children everywhere.'' They were inspired, in part, by a visit to the classroom of one of UC Davis alumna, Dawn Imamoto, a 2004 California Teacher of the Year. Dolly Fiddyment said that, ''Dawn embodies the kind of teacher we'd like every child to have.''

Today, I am proud to honor my friends and constituents, David and Dolly Fiddyment. They are truly pioneering the way to a brighter future for the next generation of students.

TRIBUTE TO AVONDALE ARIZONA ON ITS 60TH ANNIVERSARY

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. GRIJALVA. Mr. Speaker, I stand today to honor the city of Avondale, Arizona on its 60th anniversary. Avondale is a vibrant city,

ranked as one of Arizona's fastest growing communities, and it is my great privilege to acknowledge this important milestone.

Avondale began as an agricultural community, as many in Arizona. William Moore built the community's first establishments. As the area attracted more settlers through its pleasant climate and favorable farming conditions, a post office was built at the Avondale Ranch in the early 1900's, lending the town its current name. On December 16, 1946, Avondale was incorporated as a city, and by then was an important part of the state's capitol.

Today, Avondale has reached a population exceeding 70,000, and has much to offer its residents. To keep up with the population's demands, the city offers a wide variety of academic establishments, arts festivals, among other cultural attractions, and is a favored destination of NASCAR fans. Because of these draws and the accomplishments of residents, Avondale enjoys a growth rate among the Nation's highest, and expects to reach 120,000 residents by 2020.

Avondale has come a long way from its agricultural beginnings. It is my great pleasure to congratulate them on this landmark.

A TRIBUTE TO LIEUTENANT GENERAL JERRY SINN

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. LEWIS of California. Mr. Speaker, I rise today to pay tribute to the leadership and dedication to public service of Lieutenant General Jerry Sinn, who has provided exemplary stewardship of the Army's resources and budgeting for the past 7 years. Beginning as a "tunnel rat" in Vietnam, Lieutenant General Sinn has retired as the Army's budget chief after 39 years in uniform.

After being drafted in 1968, Jerry Sinn was soon commissioned as a second lieutenant in the Corps of Engineers. The Army sent him to Vietnam shortly thereafter, where he fought as a tunnel rat—one of the deadliest missions in that conflict—and led a Rome Plow team. Throughout his career, he has never stopped inspiring, guiding and teaching soldiers—whether as a company commander in Korea, a mathematics instructor at West Point, a battalion commander with the Big Red One, an assistant chief of staff of VII Corps, a brigade commander in the 3rd Infantry Division, or commander of the Corps of Engineers' North Atlantic Division.

Lieutenant General Sinn has spent the last 7 years of his military career in the Pentagon as the Army's top uniformed budget official. His ideas, acumen, finesse and good humor were essential to guiding the Army from being a force at peace to a force at war. General Sinn oversaw the unprecedented growth in resources and mission since 2001, dedicating himself to ensuring that every soldier was properly equipped and trained. He looked after families, initiating and pushing numerous programs to improve their quality of life. And he made sure that everyone involved in financial management understood the importance of their work. General Sinn inspired the civilians and the uniformed members of Army financial management to do their very best and approach their tasks with the same vigor as the soldier on the battlefield. He also provided counsel to the Army leadership, the Defense Department, the Office of Management and Budget and many members of Congress.

General Sinn earned a Purple Heart and two Bronze Stars, both with oak leaf clusters and one with a V Device, among many other medals and awards. He lived the Soldier's Creed with great pride and dignity. He always placed the mission first. He never accepted defeat. He never quit. And though he could have, he never left a fallen comrade.

Mr. Speaker, throughout his youth in North Dakota, Jerry Sinn thought he would follow in his parents' footsteps, raising cattle and growing wheat. The U.S. Army, and his many supporters in Congress, are grateful that he devoted his life to public service instead. Please join me in thanking him for those 39 years of selflessness, and wish him well in his future endeavors.

TRIBUTE TO GRACE CHURCH

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor Grace Church in the Borough of Madison, Morris County, New Jersey, a vibrant community I am proud to represent! On November 4, 2006, the good citizens of Madison celebrated Grace Church's 150th Anniversary.

Grace Church, the oldest building in Madison, New Jersey still being used for its original purpose, is one of the largest congregations in the Episcopal Diocese of Newark. The first church service was held on April 13, 1856. When completed, the building, including bell and organ, cost about $9000 and seated two hundred persons. One hundred and fifty years later Grace Church is undergoing a $3,000,000 capital campaign to enlarge the existing structure to meet the needs of a still growing congregation.

The earlier years in the history of Grace Church were marked by building and consolidating, participation of a wide segment of the community: black and white, abolitionist and slave owners, recent immigrants and colonial heirs. A new era for Grace Church arrived when more than ninety millionaires moved to Morristown and neighboring towns, many of whom were Episcopalian. Their generosity enabled the church to enlarge, but, unfortunately, membership did not grow as there was no need to broaden the financial base with increased membership. That changed after World War II, with the population explosion that followed the war and the resulting exodus to the suburbs. This brought Grace Church to a new era in its history and in the 1950's the church underwent a major expansion.

Today Grace Church's congregation includes parishioners from all the neighboring towns and its primary focus is outreach. A wonderful choir, with members of all ages, a large and active youth program, and many adult ministries fill the church 7 days a week. Under the leadership of the Reverend Lauren Ackland, the membership continues to grow.

Mr. Speaker, I urge you and my colleagues to join me in congratulating Grace Church of Madison on the celebration of its 150 years serving its parishioners County.

TRIBUTE TO THE DEDICATED STAFF OF THE SUBCOMMITTEE ON SPACE AND AERONAUTICS FOR THE 109TH CONGRESS

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to a group of patriots whose dedication and contributions to the United States space community has been exceptional. For the past 2 years I have served as the Chairman of the Science Subcommittee on Space and Aeronautics and have had the honor to work with a staff comprised of some of the best and brightest in the fields of space and earth science, aeronautics and space exploration.

In the 2 years that I've been Chairman, the staff has worked diligently to implement the President's Vision for Space Exploration, maintain robust science and aeronautics programs and open opportunities for the private sector and space entrepreneurs. In short, they have tried to give America's space-farers the "Rules and Tools" to succeed in the Second Space Age. Last year, the President signed into law the first NASA Authorization Act in 5 years. Anyone can tell you how difficult it is to draft legislation that must balance the many needs of the Agency's various stakeholders while keeping the original Vision intact. The majority subcommittee staff worked tirelessly to secure passage and I commend their hard work and dedication. It certainly has paid off—NASA is charging full speed ahead with the Vision for Space Exploration and a commitment to ten healthy centers.

The subcommittee completed several resolutions commending successful shuttle launches and their crews; conducted hearings on a wide range of topics including "The Future of Aeronautics at NASA," "Future Market for Commercial Space," and "The NASA Workforce"; and conducted several legislative mark-up hearings on other relevant bills. The subcommittee even conducted the first hearing in Congressional history with a witness testifying from space when NASA astronaut John Phillips, a member of the crew aboard the International Space Station in June 2005, participated via satellite. The efforts of the subcommittee staff also enabled me to visit all of NASA's Centers, including the Jet Propulsion Laboratory and the Applied Physics Laboratory, during the 109th Congress. None of this would have been possible without the intelligence and perseverance of the staff.

At this time I would like to recognize the individuals responsible for the subcommittee's many accomplishments:

Bill Adkins, former Staff Director. Bill was a thoughtful advisor and an influential force in the passage of the NASA Authorization Act during the 18 months we worked together.

Johannes Loschnigg, current Staff Director. Johannes has done a terrific job and has offered solid leadership to the subcommittee.

Ed Feddeman, Professional Staff. Ed is the resident expert on aeronautics and space science. I have appreciated his depth of

knowledge on these issues and his expertise during several NASA Center visits.

Ken Monroe, Professional Staff. Ken is the subject matter expert on the space shuttle program and financial management at the Agency. His first-hand experience, and strong attention to detail has been a true asset during the last 2 years.

Tind ''Shep'' Ryen, Professional Staff. Shep is the go-to-guy on the space exploration agenda being implemented by NASA, including the Constellation Systems program, NASA Workforce and Commercial Space issues. As one of the more recent additions to the staff, Shep has not wavered from delving deeply into his work and has exercised excellent oversight over these exciting new programs.

Tom Hammond, Professional Staff. Tom handles a long list of issues including the International Space Station, Earth Science, Remote Sensing, and International and National security programs. I appreciate Tom's dedication and know he will continue to excel in all his future endeavors.

Devin Bryant, Staff Assistant. Devin is the support system to all of the staff and has done an incredible job. As a fellow Californian, I appreciate his enthusiasm for America's space program as it reminds me of the ripple effect of NASA's achievements—inspiring the next generation of explorers.

Roselee Roberts, Chairman's Designee/Professional Staff. Roselee has been a tremendous asset to my chairmanship and the subcommittee. It was an honor to designate her as my representative. It has been a pleasure to work with her these past 2 years. She has been a trusted confidant to me and my staff and I appreciate her dedication and loyalty. She will always be a part of the Calvert team.

I would be remiss if I did not also mention my deep gratitude to David Goldston, Chief of Staff of the Science Committee. David impressed me with his intelligence, tireless work ethic, and his love of science policy. During the past 2 years we have shared some great conversations and debates and I believe I have been a better Chairman for them. I appreciate the tremendous support and expertise he has provided me and my staff during my Chairmanship.

To all of the subcommittee staff, I would like to express my deepest gratitude for your hard work, diligence, passion, and service. I salute your dedication and wish you all the best of luck.

KYRGYZSTAN IMPROVES ITS DEMOCRACY

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. SMITH of New Jersey. Mr. Speaker, as this Congress comes to a conclusion, I rise to make some remarks on the state of democratic development in Central Asia. I am inspired to do this by the very significant recent events in Kyrgyzstan, where last month, a new constitution was adopted that limits the power of the presidency and enhances the authority of the legislative branch.

The Kyrgyz should be congratulated for peacefully negotiating a delicate political situation that could have turned violent. The outcome resulted in the strengthening of Kyrgyzstan's democracy at a time when its neighbors are moving in the opposite direction.

Throughout post-Soviet Central Asia—and all over the former USSR—the defining feature of political development has been the emergence of super-presidents, while parliaments and courts languish under executive control. As a result, the balance of powers, though constitutionally mandated, has remained a dead letter, and corruption has become endemic.

But Kyrgyzstan has always differed from other regional states by virtue of its strong civil society and relatively combative legislature; former President Askar Akaev was never as powerful as his counterparts in Central Asia. Moreover, there is a well-established tradition of ''people power'' in Kyrgyzstan—Akaev was almost forced from office by a countrywide protest movement in 2002. He managed to keep his seat, however, until last year's ''Tulip Revolution'' of 2005, which led to his ouster and his replacement in July by Kurmanbek Bakiev. By all accounts, the presidential election of July 2005 marked a real improvement in elections held in Kyrgyzstan, and particularly in Central Asia.

Since then, however, Kyrgyzstan has struggled with major problems, among them: uncontrolled criminality, high-level corruption, economic decline and a general sense of disappointment at unfulfilled promises. By this fall, discontent had risen to such a degree that a political movement, ''For Reforms'' led largely by President Bakiev's former associates, was able to mobilize protesters to pursue their agenda by peaceful rallies. Though the demonstrators originally called for Bakiev's resignation, in the end a compromise was reached in the form of a new constitution.

The document represents a real achievement, primarily for limiting the executive's powers—a first in Central Asia. Bakiev will remain in office until 2010 but his successor will not appoint the government, Prosecutor-General, the head of the Central Election Commission and the holders of other important posts. Whichever political party gains 51 percent in elections has that responsibility—an incentive for traditionally fractious political parties to align themselves in coalitions and work together.

Naturally, the heads of neighboring states have been displeased. State-controlled media in those countries have portrayed these events in the worst possible light, emphasizing ''chaos and anarchy,'' and hoping thereby to discredit the Kyrgyz experiment by linking popular demonstrations with instability. But while crowds gathered in the streets of the capital Bishkek, the new constitution was adopted almost without violence, solidifying a tradition of politically effective peaceful protest. Most important, a framework has been created for developing all branches of power and resolving political disagreements.

I believe Kyrgyzstan's experience has genuine significance for the possibility of democratization in Central Asia, simply because the Kyrgyz political class, cooperating with civil society, has shown that it is possible without bloodshed to reach compromise solutions to fundamental political problems. Whether Kyrgyzstan's experience can or should work in other countries is a different issue. But it is clear that all post-Soviet states need to find a way to limit the power and authority of their presidents if they are to escape the trap into which they have fallen. When people feel they have no representation or possibility of addressing grievances through state institutions, they will be tempted to find other methods. If this happens in other, more repressive countries with few or no democratic traditions, the outcome may not be so peaceful or positive.

So far, there is little evidence that this realization has penetrated elsewhere in Central Asia, where presidents continue to jealously hoard power. Sapannurat Niyazov remains the all-powerful ''Turkmenbashy,'' or leader of all Turkmen, whom he continues to subject to his capricious campaigns, while running a permanent purge of the political class and making sure Turkmenistan remains the only one-party state to survive the Soviet bloc. Uzbekistan's Islam Karimov, who allows no opposition, has cracked down even harder and cuddled up to Russia since the international community reacted with outrage to the slaughter of hundreds in Andijan in May 2005. Tajikistan's Imomali Rakhmonov won re-election last month; constitutional amendments adopted last year will potentially allow him to remain in office until 2020. And Kazakhstan's bid to chair the OSCE in 2009 has been resisted by the United States and the United Kingdom for failure to improve its poor human rights record.

What happened in Bishkek is quite noteworthy, especially for the region—opposition groups were allowed to protest, the government did not respond with violence, and both sides agreed to a new constitution that actually decreases presidential powers and introduces a parliamentary system. Nothing like this is happening for thousands of miles in any direction.

All in all, Mr. Speaker, 15 years after the collapse of the USSR and the emergence of new states, it is hard to summon up much optimism for the prospects of democracy. Still, Kyrgyzstan has given me a bit of hope.

TRIBUTE TO LINDA CROTCHETT

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. SHIMKUS. Mr. Speaker, I rise today to honor Linda Crotchett for her many years of service to the citizens of Jersey County, IL as County Clerk. Linda will retire this year after 44 years of service as the Jersey County Clerk.

For the past 44 years, Linda has greeted the citizens of Jersey County with a smile as they entered her office to conduct business. She has always lived up to her motto, ''Happy to meet you, eager to serve you.'' Her friendly and courteous service will be missed. It is with gratitude that I thank her for her service and congratulate her on retirement. I wish Linda all the best in the years to come.

TRIBUTE TO THE HONORABLE HENRY J. HYDE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. WOLF. Mr. Speaker, I rise today with our colleagues to pay tribute to the distinguished gentleman from Illinois, Mr. HYDE, as he prepares to retire from the U.S. House of Representatives.

I cannot imagine this, the people's House, without HENRY HYDE being here. He is the conscience of this House. His eloquence, his honesty, his integrity, his passion, his dedication have filled this chamber on so many occasions when issues of the highest and most significant importance to this country were being debated.

I say to HENRY, your words have stirred this House time and time again. Colleagues always have looked to you for wise counsel. It was almost automatic that during a vote, I would always look up to see how you were voting.

I am so grateful that my years of being a member of the House have allowed me the privilege of serving with and being a colleague of Mr. HYDE.

The people of the Sixth Congressional District of Illinois, the people of the United States, and indeed freedom-loving people around the world can say to HENRY HYDE, ''Well done, good and faithful servant.''

May God bless you, HENRY.

HONORING THE GREATER CHICAGO FOOD DEPOSITORY

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. EMANUEL. Mr. Speaker, I rise today to recognize and honor the Greater Chicago Food Depository for its enduring commitment to providing food for hundreds of thousands of hungry people in Cook County. In addition to addressing immediate needs, the Greater Chicago Food Depository strives to end hunger throughout the region by empowering people to break the cycle of poverty.

The Greater Chicago Food Depository, founded in 1979, is one of the largest not for-profit food distribution systems in the nation, distributing donated and purchased food through a network of 600 pantries, soup kitchens and shelters to more than 91,000 adults and children every week. Last year, the Food Depository distributed more than 40 million pounds of non-perishable food and fresh produce, dairy products, meat, poultry and fish—the equivalent of more than 84,300 meals per day.

In addition to its food distribution programs, the Greater Chicago Food Depository runs Chicago's Community Kitchens, a chef-training program designed to empower unemployed and underemployed Chicago residents. Featured on November 28th in a front-page article in the Wall Street Journal, this free twelve-week program teaches participants the basics of food preparation and employment skills, enabling them to develop a successful career in the food service industry. Students create nearly 2,000 meals a day for delivery to the Kid's Cafes, an after-school program also run by the Food Depository that provides children with a daily hot meal, a safe haven, tutoring, and other educational programs.

Chicago's Community Kitchens is an innovative program that empowers graduates looking for ''a new lease on life'', and inspires them to give back to the community themselves. Many of the students in Chicago's Community Kitchens are soup kitchen regulars or homeless shelter residents and, after graduating and securing a full-time job, have returned to volunteer at a soup kitchen themselves.

Mr. Speaker, I commend the Greater Chicago Food Depository for its tireless, efforts to provide food for hungry people, to provide people with the tools necessary to break the cycles of poverty, and to end hunger in our community. I wish its staff, volunteers, and supporters every future success in their continuing work toward meeting the needs of Chicago's hungry men, women and children.

UNBORN CHILD PAIN AWARENESS ACT OF 2006

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. HOLT. Mr. Speaker, I rise in opposition to the Unborn Child Pain Awareness Act. This legislation is based on the scientifically unsubstantiated assertion that a fetus feels pain at 20 weeks of pregnancy.

This is not the first time this Congress that Members have been asked to substitute our judgment for that of scientists or physicians. It is bad policy for Congress to substitute its opinion for the considered medical judgment of doctors and I have consistently opposed legislation that does this.

By passing this legislation, Congress will force doctors to provide information to patients that is not scientifically proven to be true. These doctors will be subject to fines if they do not provide women with a brochure published by the Department of Health and Human Services explaining that a fetus feels pain at 20-weeks and that administrating anesthesia for the fetus will reduce pain. The bill goes so far as to outline for the Department of Health and Human Services what must be included in the brochure. The language that this bill requires HHS to include in the brochure asserts that there is conclusive scientific evidence that a fetus feels pain. According to the legislation, the brochure must read: ''There is a significant body of evidence that unborn children at 20 weeks after fertilization have the physical structures necessary to experience pain. There is substantial evidence that at least by this point, unborn children draw away from surgical instruments in a manner which in an infant or an adult would be interpreted as a response to pain. There is substantial evidence that the process of being killed in an abortion will cause the unborn child pain, even though you receive a pain-reducing drug or drugs.'' This is, at best, misleading. We should not use legislative language to interpret scientific data that we do not understand and to direct physicians in their considered professional practice.

In August 2005 a literature review in the Journal of the American Medical Association concluded that ''evidence regarding the capacity for fetal pain is limited but indicates that fetal perception of pain is unlikely before the third trimester.'' The review also concludes that administering ''fetal anesthesia or analgesia should not be recommended or routinely offered for abortion because current experimental techniques provide unknown fetal benefit and may increase risks for the woman.''

As policymakers, we should consider very seriously our actions that may overstep what is scientifically proven. In formulating public policy on scientific issues like global warming, stem cell research, alternative energy, and others, it is essential that we use science as a basis for legislation and not use legislation to attempt to make science.

I oppose this legislation because I believe that the decision of whether to have a baby should be left to individuals, their doctors, and their families without interference from the Government. I also oppose this legislation because of its circumvention of scientific evidence.

I urge my colleagues to oppose H.R. 6099.

TRIBUTE TO GILBERT LESSENCO

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. VAN HOLLEN. Mr. Speaker, I rise to recognize the distinguished career of Mr. Gilbert Lessenco and to congratulate him on his retirement. Mr. Lessenco has dedicated his half century of legal practice to not only his clients, but his community and his country.

Mr. Lessenco's superior performance as a lawyer was recognized early in his career when he received the ''Outstanding Young Lawyer of the Year'' from the District of Columbia Bar in 1965. Mr. Lessenco has been in private practice for 50 years, but prior to that he served in the United States Air Force as chief, legal officer at Hanscom Air Force Base in Lexington, MA. He continues to serve his community to this day as a member of the faculty at Johns Hopkins University School of Professional Studies in Business and Education, teaching marketing and business law. His commitment to his students was honored publicly when he received the ''Above and Beyond'' faculty award from the Department of Marketing. Mr. Lessenco earned his J.D. from Harvard Law School in 1953 and his B.S. from the Johns Hopkins University in 1950.

Mr. Lessenco has also had an active civic and political career. He has been an active supporter of the Democratic Party since 1958. From 1970–74, Mr. Lessenco was a member of the Montgomery County Democratic Central Committee and has been engaged in Democratic Party politics ever since. He served as a commissioner of the Washington Suburban Sanitary Commission from 1987–92 and as its chairman from 1989–90. He has also served as chairman of the International Visitors Service Council, 1962, trustee for the Meridian House Foundation, 1970–80, president of the Mental Health Association of Montgomery County, 1980–82, and president of the Jewish

Social Service Agency of Greater Washington, 1984–86, and currently serves as the co-chairman for St. Luke's House Building Fund.

Mr. Lessenco is also a dedicated husband, father and treasured mentor.

Mr. Speaker, I extend my sincere congratulations to Gil Lessenco as he celebrates a distinguished career and lifetime of learning and serving our community. I ask my colleagues of the U.S. House of Representatives to join me in recognizing the many accomplishments of this extraordinary man.

MOURNING THE DEATH OF MAJ JOSEPH ''TRANE'' MCCLOUD

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. AL GREEN of Texas. Mr. Speaker, I wish to mourn the death of Major Joseph ''Trane'' McCloud, 39, who was planning to celebrate his 40th birthday next week, but instead tragically died on Sunday, December 3, when the CH–46 helicopter he was riding in crash-landed in a lake in the Anbar province of Iraq. Additionally, I urge my colleagues to mourn the deaths and honor the lives of all of our soldiers who have died defending our country.

Major McCloud was a career marine who had been in Iraq for 3 months as the operations officer with the 2nd Battalion, 3rd Marine Regiment. Major McCloud was described by his family as ''a Marine's Marine.'' He sacrificed the most active years of his life while in armed combat as a platoon and company commander defending the United States of America.

This was the second war in the Middle East that Major McCloud had served in. His service in the Persian Gulf war in 1991 was equally commendable. During the Persian Gulf war in 1991, McCloud served on the USS *Missouri*, as part of the final group of Marines to work aboard the ship before it was decommissioned.

Major McCloud's tremendous service to his country was not limited to the Armed Forces. He also worked at the Pentagon, completed a fellowship here in the U.S. House of Representatives, and served as an instructor at the Marine Corps Officer Candidate School in Quantico, VA. His dedication to teaching was just as strong as his dedication to the protection of this Nation. When Major McCloud worked for Representative JOE WILSON (R–S.C.), he assisted on military issues and took a special interest in a loan forgiveness program for inner-city teachers. This gentleman was the absolute prototype of the compassionate and dedicated soldier.

Shortly after President Bush declared the war on terrorism, McCloud was deployed to Zamboanga, in the Philippines, in charge of a small Marine unit during a time of intense violence and bombings.

McCloud was remembered yesterday as a good-natured man with a wonderful sense of humor who cherished his family above anything else.

A 1989 graduate of the University of Tennessee, Major McCloud leaves behind his wife Maggie and three children: Hayden, 7, Grace, 5, and Meghan, 2.

Mr. Speaker, I urge my colleagues to mourn the death of a great soldier, husband, and father, MAJ Joseph ''Trane'' McCloud, and all the soldiers who have fallen while defending our Nation's freedom.

IN RECOGNITION OF THE BIOGRAPH THEATER

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. EMANUEL. Mr. Speaker, I rise today in proud recognition of The Biograph Theater, recently acquired by the Victory Gardens Theater, and located in the vibrant and multicultural neighborhood of Lincoln Park.

Since 1914 the Biograph Theater has been a symbol of art in a dense metropolitan area, and thanks to The Victory Garden Theater, it will remain in operation as the new main stage for theater company that has been in business since 1974.

After 90 years as a movie theater, under various owners, in July 2004, Chicago's Victory Gardens Theater announced it had purchased the Biograph for use as a live venue. The theater has been completely renovated by architect Daniel P. Coffey, who constructed a large state-of-the-art stage, with seating for 299 people.

The Biograph Theater will house a state-of-the-art stage guaranteeing the intimacy for which Victory Gardens' performances have become known, while providing greatly enhanced technical production capabilities. The new theater will have the very latest lighting and sound equipment as well as generous wing-space, dressing rooms, and a trap system under the stage, allowing for all kinds of theatrical magic.

In a city with such a rich history in the arts, The Biograph Theater is just one more example of thriving theater in the nation's Second City.

Mr. Speaker, as a member of the Congressional Arts Caucus I believe that it is important to support and recognize The Biograph Theater, Victory Gardens Theater and the Arts in Chicago. The Biograph Theater is an example of a new breath in an old Chicago landmark. I am proud of the storied history of The Biograph Theater and the work that the Victory Gardens Theater does and I wish them continued success in the coming years.

EXPRESSING SENSE OF HOUSE REGARDING HIRING OF MEMBERS OF ARMED FORCES

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. HOLT. Mr. Speaker, I appreciate the sentiment that motivated the gentleman from California, Mr. HUNTER, to offer this resolution. I agree with him that our Government must set the example when we choose to exhort employers to hire veterans. That's why I was pleased that in July of this year, the House passed by voice vote a concurrent resolution I offered with Mr. BROWN of South Carolina that calls upon the President to establish a permanent national ''Hire a Veteran Week.''

The purpose of our bipartisan bill is simple. On a yearly basis, the President would lead a week-long effort to remind employers—both government and private sector—of the importance and value of hiring veterans. According to the most recent U.S. Labor Department data, in August 2005, 20- to 24-year-old veterans had an unemployment rate of 18.7 percent compared with their nonveteran counterparts. For all of 2005, the annual rate was 15.6 percent for 20- to 24-year-old veterans compared with 8.7 percent for non-veterans in that age group. Women veterans also suffer higher rates of unemployment than non-veterans. The unemployment rate for women veterans aged 25–34 stands at 6.9 percent versus 6 percent for their civilian counterparts. More alarmingly, women veterans aged 45–54 have twice the rate of unemployment than their non-veteran counterparts—7.1 percent versus 3.3 percent.

These aren't simply numbers; these are men and women who put on our country's uniform to protect each and every one of us. We can and must do more to help them find good-paying jobs that allow them to build a career and a life in the Nation they served and protected. That process should begin with a yearly reminder to all employers to actively seek out veterans as potential employees. I have been deeply disappointed that to date the Senate has not elected to follow the House's lead and pass my ''Hire a Veteran Week'' legislation. Should the Senate not pass this bill before the 109th Congress adjourns sine die, it will represent yet another failure of this Congress to meet the real needs of veterans.

My colleague from California, Mr. HUNTER, is correct that Congress should take the lead and set the example when it comes to veterans' employment issues. That's why in 2005 I introduced the American Veterans Congressional Internship Program, H.R. 1242, a bipartisan bill that would allow each Member of Congress to hire a veteran as a paid intern for 1 year.

The benefits of this bill are clear. House and Senate Members would be able to take advantage of the experience and can-do work ethic of veterans, while veterans would get the chance to directly influence policy decisions and contribute to legislation that will affect them and their fellow veterans. I regret the 109th Congress failed to act on this commonsense bill, and I intend to reintroduce it and push for its speedy passage in the 110th Congress.

One thing we should all be able to agree on is that our outreach to veterans seeking jobs should be buttressed with concrete action by Congress to fund job training and placement programs, particularly for young veterans and women veterans.

That we have a long way to go in meeting the employment and training needs of our veterans was made clear by John Rowan, the current president of Vietnam Veterans of America, in testimony he gave before the Senate Veterans Affairs Committee on March 30 of this year. Mr. Rowan noted that:

> In fact, there is no real national strategy to assist returning veterans, including National Guard and Reservists, who are unemployed or under-employed—and some 15 percent of our newest veterans have yet to find

gainful employment. Similarly, there is no effective mechanism in place for enforcing veterans' preference, and we have an Administration that appeals a case against a disabled veteran who had finally won his case before the Merit System Protection Board pursuant to The Veterans Employment Opportunities Act of 1998.

It is imperative that re-education and work skills upgrades, including self-employment, be made a priority by those agencies of government that provide these services, especially considering the battalions of seriously and permanently disabled veterans returning from Afghanistan and Iraq.

This indictment of our current federal efforts on behalf of veterans seeking employment is a wake up call. I hope that when the 110th Congress convenes in January 2007, my colleagues will join me in helping create a national strategy to help returning veterans get the job training and employment opportunities they've earned for their service to America.

TRIBUTE TO THE INTERNATIONAL SYMPOSIUM ON DEMOCRACY CONGRESS TAIPEI, TAIWAN

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. VAN HOLLEN. Mr. Speaker, I rise to commend the legislators from Pacific Rim countries who will assemble this weekend in Taiwan to explore the role of Congresses in democratic governments. Representatives from 20 Pacific Rim Countries are meeting under the auspices of the Democratic Pacific Union (DPU).

The DPU is a regional organization of Pacific nations that is promoting democracy and peace within that region, in addition to enhancing the multilateral relationships of the participating nations. I applaud the Taiwanese who took the initiative to establish the DPU and its sister organization, the Pacific Congress, I wish the DPU much success in continuing to strengthen the democracies and the vital regional alliances of its Member countries.

TRIBUTE TO THE 2006 CRYSTAL FALLS FOREST PARK HIGH SCHOOL TROJANS

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. STUPAK. Mr. Speaker, I rise today to honor the 2006 Crystal Falls Forest Park High School Trojans. This high school football team has made the entire Upper Peninsula (U.P.) community proud by once again beating the odds and advancing to the Division 8 State Finals game at Ford Field in Detroit.

This was the third straight year that the Crystal Falls Forest Park Trojans advanced to the Division 8 state high school football championship game. These players, their coaches and the entire Crystal Falls Forest Park community should be commended for representing the U.P. at Michigan's state football championship.

In many ways, the Trojans' advancement to the state finals again this year was a classic Cinderella story. Some "inside" football experts had predicted that 2006 would be a rebuilding year for the Trojans, as this year's roster included only 2 seniors. However, what the Trojans lacked in size and experience, they made up for with dedication, heart and teamwork. These 34 young men brought an unselfish attitude to the game that many college and professional players could learn from.

The team's moment of truth for this year's season came on October 13, when they played Bessemer High School. The short-handed Trojans suffered a 14–6 loss, dropping their record to 6–2 for the season and jeopardizing their chances at the playoffs. While many teams might allow a dispiriting loss such as this to derail their playoff ambitions, the Trojans came together as a team to overcome this challenge and rally in the face of adversity. The Trojans followed their setback in Bessemer with 5 straight wins, including 4 in the postseason.

Assistant Coach Dave Graff summed up the winning attitude of this year's Trojans when he said, "We might not be the best team, but we're good enough to get where we're going. They believe in themselves and anything is possible."

The community of Crystal Falls Forest Park and the U.P. truly united behind the Trojans, giving 110 percent of their support. Some of the supporters of the team traveled a long distance—in a short period—to cheer on their team. Crystal Falls Forest Park fans loaded up three buses at the high school at 10:00 p.m. Thanksgiving night and trekked more than 500 miles, arriving at Ford Field at 7:30 a.m. the Friday morning of the game. That gave the fans just a few hours to stretch before the 10 a.m. kickoff!

Mr. Speaker, each member of this team deserves to be recognized and I want to take a moment to share their names: Fred Hubbard; Jim Freeman; Dustin Basirico; Bob Reid; Zach Sawyer; Kyle Roberts; Justin James; Calix Sholander; John Grandahl; Levi Oleksy; Kyle LaVacque; Tony Grandahl; Andrew Bortolini; Matt Sundquist; Bryan LaChapelle; Erik Peterson; Josh Siler; Tim Wheeler; Ethan Uren; Justin Process; Jim Wheeler; Tony Renner; Marcus Smithson; Kevin Takala; Chris McCarthy; William Bortolini; Bill Fennick; Travis Hoenig; Bill Paige; Ed Zarn; Paige Armstrong; Pat Bredy; Ben Shuck; Jake Jacobson; Jeff Sartori; and Andrew Gussert.

I would be remiss if I did not also salute the Trojans' talented coaching staff. Head Coach Bill Santilli and Assistant Coaches Dave Graff, Gerard Valesano, Gene Giuliani, Jeff Chernach and Dan LaPoint should all be commended for helping lead the Crystal Falls Forest Park Trojans to a third state championship game. Managers L.J. Burns, Dan Ballo-Shuck and Lee Graff should also be recognized for their contributions, as should their trainer, Mark Nylund. Together, this talented coaching staff shepherded this year's young team to the state finals.

Mr. Speaker, the Crystal Falls Forest Park football team knew what the late, great Green Bay Packers coach, Vince Lombardi always said, "Winning isn't everything, but wanting to win is." The Trojan team wanted to win more than the so-called "inside" football experts predicted!

Mr. Speaker, I ask the U.S. House of Representatives to join me in congratulating the Crystal Falls Forest Park Trojans football team, their classmates, parents and the community on their exceptional season and in wishing the Trojans well when they retake the field for the 2007 season.

HONORING CHICAGO ASTRONAUT JOAN HIGGINBOTHAM

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. EMANUEL. Mr. Speaker, today I rise to honor Astronaut Joan Higginbotham. Higginbotham is a member of the crew on the Space Shuttle *Discovery* that is scheduled to launch tonight from NASA's Kennedy Space Center. Additionally, she is a fellow Chicagoan, and I wish her the best of luck as she prepares for her first mission, STS 116.

Higginbotham graduated from Chicago's Whitney Young High School in 1982, and Southern Illinois University at Carbondale in 1987. She will be the third African-American woman aboard a NASA mission, and she and her fellow astronaut Robert Curbeam will make history this week on STS 116, the first Space Shuttle mission with two African-American astronauts.

Higginbotham previously worked as a payload engineer at the John F. Kennedy Space Center while also earning two master's degrees from the Florida Institute of Technology.

As a mission specialist on board *Discovery,* Higginbotham's responsibilities will include a complete rewiring of the International Space Station's power supply. She will also have the responsibility of operating the robotic arm to deploy several satellites and to direct payload transfers.

Higginbotham will be joined by Mission Commander Mark Polansky, as well as Robert Curbeam Sunita Williams, Nicholas Patrick, William Oefelein, and Christer Fuglesang from the European Space Agency, who is the first Swedish astronaut.

Mr. Speaker, I ask my colleagues to join me in recognizing my fellow Chicagoan as well as her fellow astronauts, and to wish them all the best on their launch tonight and their 12-day mission.

HONORING MARILYN W. GROUNDS

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. HOLT. Mr. Speaker, I rise today to recognize Marilyn W. Grounds for over 10 years of extraordinary service on the board of the Planned Parenthood Association of the Mercer Area.

Ms. Grounds is best described as a "professional volunteer." Active in her children's schools and the community, she was at first focused in serving the arts community. It was the great fortune of the Planned Parenthood Association of the Mercer Area to have her join their board in 1995.

The Planned Parenthood Association of the Mercer Area provides comprehensive reproductive health care which contributes to both

individual well being and community stability. These services are provided in settings which preserve and protect the essential privacy and rights of each individual. The organization advocates public policies which guarantee these rights and ensure the understanding of the individual and societal implications of human sexuality. The Planned Parenthood Association encourages research and the advancement of technology in reproductive health care and the understanding of inherent bioethical, behavioral, and societal implications. In addition, the agency employs trained educators who conduct extensive community outreach and educational programs, offering comprehensive, age-appropriate sex education and health programs to thousands of New Jersey residents every year. Everyone is welcome, regardless of race, age, income, sexual orientation, or disability. Fees are based on the ability to pay and no one is turned away.

First as board vice president in 1997, then as board chair, Ms. Grounds successfully led the PPAMA through several managerial transitions. She has had leadership roles on Development, Finance, Facilities, Personnel, and Public Affairs Committees. She was an incentive for the board to re-evaluate its own role in the organization. A modest, exceptionally organized woman, Ms. Grounds excels at ''the big picture,'' keeping the board cohesive and efficient, while recruiting extraordinary leaders.

Ms. Grounds is a phenomenal fundraiser. Through both Annual and Capital Campaigns, she has made possible the improvement of services offered to clients, and during her tenure the number of patients treated has significantly increased. This is no small task. The annual budget of the PPAMA is about $2.8 million, making possible the service of about 15,000 clients per year.

Ms. Grounds has been an editor, writer, fundraiser extraordinaire, and tireless worker for the Planned Parenthood Association of the Mercer Area. She leaves a legacy of fund raising skill, governance expertise, and strong board leadership that benefits not only the organization, but also the individual, community, and State.

Mr. Speaker, on behalf of the entire 12th district of New Jersey, I ask you and my colleagues to join me in thanking Marilyn W. Grounds for her service on the board of the Planned Parenthood Association of the Mercer Area.

POLISH AMERICAN MONTH

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. EMANUEL. Mr. Speaker, this month I proudly join the thousands of Polish-Americans living in Chicago in a national celebration of Polish history, culture, and pride during Polish American Heritage Month.

Celebrated in October, Polish American Heritage Month includes General Pulaski Memorial Day, which honors the American Revolutionary War patriot Casimir Pulaski. In 1777, General Pulaski attended his first meeting with Benjamin Franklin, to champion the freedom of the American people. This early partnership has been mirrored by the present-day alliance between Poland and the United States.

Polish-Americans have made strong contributions to American culture in virtually every field, including literature, technology, and music. My hometown of Chicago has more people of Polish descent than any other city outside of Poland. I am dedicated to continuing the strong record of cultural and economic ties between our two nations.

The United States is grateful to Poland for its friendship and commitment to the democratic ideals of liberty and human rights. Poland has also proven to be a strong ally of the United States, assisting in global efforts to combat terrorism, and providing troops and resources for Operation Iraqi Freedom.

Mr. Speaker, I am honored to join the citizens of my district, as well as those of Polish decent around the country in recognizing, remembering, and celebrating Polish American Month.

REMEMBERING SYDNEY TALLY

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in remembrance of Sydney Tally for her tireless commitment to better the lives of active duty servicemembers, retirees, veterans, and above all their families through a distinguished career with the National Military Family Association.

Widely known and beloved in military circles, this Air Force daughter and Navy spouse trained as a nurse and pursued her specialty in public health nursing before becoming a full time mother and volunteer after the birth of her first child. Among many service endeavors, she freely devoted her time serving as teaching assistant, Brownie and Girl Scout leader, Red Cross pediatric nurse, and president of four naval officers' wives clubs.

In 1983, she joined the NMFA government relations staff and served as vice president of the department from 1987 to 1990 before rising to the position of first paid professional staff member and director. She also sat on the NMFA's board of governors until her recent passing. Mrs. Tally used her leverage through this organization to benefit military families everywhere. Her focus on the military family drove her in creating the Military Coalition. Women, infants, and children found nourishment after her advocacy secured legislation for an overseas nutrition program targeted specifically for military families.

Mrs. Tally received numerous awards and recognitions for her altruistic work, including the Military Coalition's Award of Merit, a Certificate of Appreciation from the Defense Commissary Agency, 1993 Defense Transition Services Award from the University of Central Florida, and recognition of her outstanding citizenship by the Military Chaplains Association.

Mr. Speaker, in closing, I would like to thank Mrs. Tally for her life's work and continuing legacy that brought forth significant awareness of the needs of military families. I call upon my colleagues to join me in recognizing her accomplishments, and in sharing our condolences with her family and friends.

A CALL TO ACTION THE POLITICS OF DISEASE ADVOCACY

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. HOLT. Mr. Speaker, I want to bring to my colleagues' attention an October 10, 2006 article in the Wall Street Journal by Amy Dockser Marcus, entitled ''Advocacy Overload?'' The article reviews the current state of disease-funding advocacy, and specifically cites the efforts of the Princeton-based Melanoma Research Foundation to coordinate the advocacy activities of a wide variety of melanoma organizations. In the past year, MRF has worked to organize a coalition of these groups in order to develop a coordinated message to Congress and the National Institutes of Health. The goal of this ''One Voice'' for melanoma research is to develop a common agenda, focused on securing the additional resources to fund the research into better treatments and cures for melanoma.

The Melanoma Research Foundation (MRF) was founded 10 years ago and has become the leading research foundation for melanoma. The Foundation has worked closely with the research and medical communities encourage dialogue and education about melanoma through their research congresses; participated in National Cancer Institute initiatives; organized the first steps of a melanoma coalition for advocacy; and hosts an interactive website for patients and caregivers. Their three part mission—supporting basic and translational research, education of patients and caregivers, and advocating for the melanoma community—is funded primarily through community fundraisers across the United States organized and managed by MRF volunteers. Other primary sources include memorial donations, individual gifts, and unrestricted grants from pharmaceuticals.

The need for a coordinated attack on melanoma is more critical now than ever before. Here are some of the facts about melanoma: It's the fastest growing cancer currently in the U.S.; It's the most common cancer in young adults aged 20 to 30; For women, age 25 to 30, melanoma is the primary cause of cancer death; For women, age 30 to 35, it's the second leading cause of cancer death, after breast cancer.

One of the primary causes of melanoma is UV exposure, most of which comes from too much time in the sun. Melanoma is survivable, if diagnosed early. When a superficial melanoma is found and diagnosed early, the 5 year survival rate is 100 percent. But at the opposite end, when the melanoma advanced to what's called Stage IV, when it's disseminated to major organs, the 5 year survival rate drops as low as 7 percent. Yet, despite these figures and the growing incidence of melanoma, no significant advances in medical therapies (or survival) for patients with advanced melanoma has occurred in the past 30 years.

Clearly, there's a great need for public awareness of the dangers of overexposure to the sun. There's also a need for increased research in identifying the causes and potential cures for melanoma. Once again, I commend the good work of the Melanoma Research Foundation in bringing greater public awareness to this disease, and advocating for more

public and private sector funding for melanoma research.

[From the Wall Street Journal, Oct. 10, 2006]

ADVOCACY OVERLOAD?

ACTIVISTS SEEK TO UNIFY EFFORTS OF GROUPS TARGETING DISEASES; A BRAIN-TUMOR COLLABORATIVE

(By Amy Dockser Marcus)

At the national Brain Tumor Foundation, executive director Rob Tufel has a standard reply for well-meaning families and patients who want to set up a patient-advocacy group: ''Please don't start another organization.''

There are 141 patient-advocacy groups that cover brain tumors, according to Mr. Tufel, while 43,000 people in the U.S. are diagnosed every year with primary brain tumors, benign or malignant. That's roughly one group for every 305 new patients. ''It just doesn't make sense from the point of view of funding, or from the point of view of patients and families,'' who must sort through the numerous organizations and Web sites for information, Mr. Tufel says. ''Competition is good because it keeps us on our toes, but at some point . . . it becomes ineffective.''

Competition is an issue that many patient-advocacy groups wrestle with as they struggle to raise funds for research, attract greater interest in their diseases, and speed up the search for a cure. Increasingly, advocates are asking: When it comes to a disease like cancer, is it possible to set a common agenda and speak with a unified voice?

Now some groups have begun to debate whether the large number of organizations may be hindering as much as helping in their efforts. Many diseases—including AIDS, autism and Parkinson's disease—have more than one group that lobbies Congress for more funding and reaches out to patients and families. With cancer, in particular, there has been an explosion in the number of foundations and advocacy groups in recent years, as the Internet allows patients to connect with one another more easily. It's particularly true in rarer cancers such as brain tumors or melanoma, where the ratio of the number of groups to the number of people who actually get the disease is especially high. There are an estimated 40 groups in the U.S. for melanoma—a disease that will see about 62,190 new cases and 7,910 deaths in 2006, according to the American Cancer Society.

Many of these groups wind up competing with each other for the same donors and the same researchers to sit on their boards. There is the chance that groups will duplicate one another's efforts, wasting resources by offering the same programming or services. And busy legislators find themselves uncertain about what the greatest need is for patients because each group emphasizes different issues or aspects of the disease.

There is also recognition that as cancer research increasingly focuses on using costly, cutting-edge technology to identify genes and cellular changes as an avenue to new treatments, progress is going to take huge sums of money that small patient-advocacy groups are unlikely to be able to raise on their own.

Advocacy groups need to ask, ''Couldn't we better leverage some of these resources that you're all spending?'' says Paula Kim, whose Translating Research Across Communities consulting group in Green Cove Springs, Fla., and Fallbrook, Calif., works with patient advocates. Many times, groups end up ''recreating the wheel'' in doing very similar work, she says.

Different strategies are being tried in order to organize the patient-advocacy community. Some advocacy groups for major cancers, such as breast cancer and prostate cancer, have formed coalitions that have been effective in lobbying on common issues. Others end up merging; two separate lymphoma patient-advocacy groups decided to join forces and create one organization instead, the Lymphoma Research Foundation. ''One Voice Against Cancer'' is a coalition of many public health groups that lobbies Congress for more federal funding for cancer research. Eight brain-tumor foundations, including Mr. Tufel's group in San Francisco, formed the Brain Tumor Funders' Collaborative to pool money to fund large projects. Earlier this year, they announced their first joint funding initiative, giving grants of $2 million to each of three scientific projects.

Not all smaller groups see the proliferation of foundations as a problem that needs fixing. Many advocates started their work because they lost someone to the disease, and want to focus on highly personal goals or local projects. Small groups also sometimes worry about having to divert too much of their meager funds to big projects. ''I don't agree with the idea that there are too many melanoma groups,'' says Colette Coyne, who founded the Colette Coyne Melanoma Awareness Campaign in New York with her husband, Patrick, after their daughter died of melanoma. ''Many work in their community. I think it is a healing thing for people to create a foundation when they have lost someone.''

The Coynes concentrate their efforts in New York, where they live. They have helped promote shade coverings in playgrounds and helped push through tough legislation regarding the use of tanning salons by minors. But they rely mainly on volunteers and raise around $50,000 through a yearly walk and dinner dance. ''I'd be concerned about being committed to large amounts of money for a coalition when we're never very sure what our income will be,'' says Ms. Coyne. Nonetheless, Ms. Coyne says she believes a coalition is necessary, and she wants to find a way for her group to join.

It is within the melanoma community that one of the most interesting and important debates is going on regarding advocacy groups, amid growing attention to the disease. Steven A. Rosenberg recently announced that he and other National Cancer Institute scientists genetically engineered advanced melanoma patients' own white cells to recognize and attack their cancer cells. In a report published about 15 of the patients, two of the patients saw their disease regress. Translational Genomics Research Institute in Phoenix and the H. Lee Moffitt Cancer Center and Research Institute in Tampa, Fla., are working together to create a kind of map of the human melanoma genome for researchers. These are the kinds of projects that a coalition of melanoma advocacy groups could help by lobbying for more federal funding and generating greater public awareness about the projects and the need for support.

Nineteen different melanoma groups came together in Bethesda, Md., in late March for a meeting planned by the Melanoma Research Foundation in order to debate whether they should form a ''One Voice Melanoma'' coalition to increase the impact of the community on a federal level. At the melanoma coalition meeting, one of the key speakers was Connie Mack, who was the U.S. senator from Florida from 1989–2001, and is a melanoma survivor. Sen. Mack, who now serves as chairman of the board of the Moffitt center, told the patient representatives that their organizations could do much more, especially on Capitol Hill, if they joined together. ''Our challenge is to see that our voice is heard,'' he told the advocates, ''but the only way that this will occur is if we speak with one voice.''

In an interview later, Sen. Mack said that the individual organizations were all doing important work, but that members of Congress and officials at the NCI were constantly meeting with patient advocates, including melanoma groups with different ideas and requests. Congress has limited resources available to give these groups, says Sen. Mack, and without a common agenda, ''funding levels haven't achieved the level where they can accomplish anything of significance.''

Linda Pilkington, a melanoma survivor who is executive director of the Melanoma Research Foundation in Princeton, N.J., says that the coalition talks had already made a difference. In the wake of the meeting, the groups agreed on some common goals. While discussion about the coalition's structure and mission continue, as a result of the group's discussion, the Melanoma Research Foundation was able to work with a lobbyist and Ms. Kim to craft language that was included in the current Senate Labor, Health and Human Services, and Education appropriations report for fiscal 2007. It calls on the National Cancer Institute to convene a group of patients and researchers to develop a five-year strategic plan for melanoma research, including focusing on the issue of how to speed up the development of new therapies.

The effort hasn't been easy. ''Putting groups together is like having your children work together,'' says Valerie Guild, president of the Charlie Guild Melanoma Foundation in Richmond, Calf., and part of the steering committee working on the melanoma coalition. It seems to make sense because they're all siblings, ''but try to get someone to decide what movie to go to on a Sunday night.'' Despite the challenges, a coalition can work, says Ms. Guild, who started her group in 2004 after her daughter died of melanoma. ''Everybody really wants to get to the same place at the end of it all—a treatment for the disease.''

Ms. Kim, the consultant, who is helping the melanoma groups create a coalition, says there are a number of models that can help small or financially strapped organizations contribute to a coalition. Among them: sliding-scale dues based on the size of a group's budget, or a program for helping coalition members raise additional funds. Ms. Kim—who herself co-founded an advocacy group called the Pancreatic Cancer Action Network in 1999 after her father died of pancreatic cancer—argues that ''for rare diseases, coalitions are vital. It's a lot harder to make noise when there are not a lot of people to advocate for you. It's harder to get people on the bandwagon.''

HONORING REVEREND ROBERT MOORE

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. HOLT. Mr. Speaker, I rise today to recognize The Reverend Robert Moore for twenty-five years as Executive Director of the Coalition for Peace Action.

The Coalition for Peace Action began in 1980 when a group of religious congregations in the Princeton area joined together to sponsor a Teaching Conference and Interfaith Service on the theme ''Can We Reverse the Nuclear Arms Race?'' At a follow-up meeting several weeks later, a decision was made to form an ongoing organization dedicated to nuclear disarmament—the Coalition to Reverse

the Nuclear Arms Race. Rev. Moore served as Steering Committee Chair of the NJ Nuclear Weapons Freeze Referendum in 1982 and was instrumental in its successful passage by two-thirds of New Jersey voters.

As the Cold War drew to an end in the late 1980's, the Coalition's goals expanded to include the related goals of reaping a major peace dividend—a peace economy—and halting weapons trafficking, both internationally and domestically. In 1993, to reflect this broader agenda, the members voted to change the name of the organization to the Coalition for Peace Action. As other peace-seeking organizations have come into existence and faded away over the years, the Coalition for Peace Action has remained vibrant because Rev. Moore has created an organization that is relevant, well informed, committed and practical.

Rev. Moore has been instrumental in the Coalition's efforts to motivate and mobilize peace and non-violence activists. As an example, in the late 1980's, the Coalition's ''Target Congress'' project recruited and trained over 500 citizen letter-writers to regularly write to US Representatives. Those contacted showed significant movement toward pro-peace voting records.

Rev. Moore co-chaired the NJ Coalition Against War in the Middle East in 1990–1991, opposing the first Persian Gulf War, and later the N.J. Coalition Against War in Iraq from 2002 to the present. Under his direction, the Coalition successfully lobbied Congress, as part of a national effort, to stop funding for U.S. nuclear weapons testing. Despite an initiative engineered by the National Rifle Association to rescind the New Jersey ban on assault weapons, the law was preserved by an intensive lobbying effort led by the Coalition. In 1995 the first Peace Voter campaign in the country distributed tens of thousands of voter guides comparing candidates on peace and gun violence issues. In 2000, the Coalition provided the first-in-the-nation ''NonPartisan Candidate Briefings'' to five of six major party candidates in New Jersey's U.S. Senate primary, and to 3 of 4 major party candidates in two House races.

Rev. Moore is hailed nationally for his ability to educate and mobilize citizens in the name of peace and disarmament. He is an outstanding example of a committed citizen taking action for what he believes. Rev. Moore is a teacher, advisor, and motivator.

Mr. Speaker, I ask you and my colleagues to join me in congratulating The Reverend Robert Moore on his twenty-fifth anniversary with the Coalition for Peace Action.

TRIBUTE TO CONGRESSMAN LANE EVANS: A GREAT MAN

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. MEEK of Florida. Mr. Speaker, I am happy to join with Congressman COSTELLO and all of my colleagues in honoring a truly great man—Congressman LANE EVANS of Illinois, who will be leaving Congress after a quarter-century of service to our country.

When I was a freshman Member of Congress, and a new member of the House Armed Services Committee, LANE EVANS, a veteran himself, a senior member of Congress and the ranking Member of the House Veterans Affairs Committee, learned of my interest in veteran's issues and took the time to show me ways to improve my service to veterans in my District and in our state. They were lessons from a master, and they have left an indelible impression on me.

His expertise is legendary. He knows the needs of veterans; their programs, history, problems and concerns. He forged alliances across the aisle and put together coalitions to pass legislation to keep this Nation's promise to our veterans. As a Vietnam Veteran himself, he never forgot what it meant to serve this country in the military. His ability is so great that he can even make those who have never served also understand the military and its culture.

I will also never forget the fun we had when Mr. EVANS managed our Congressional basketball team. We played games to help raise funds for charity, and even though he was stricken with Parkinson's disease, which prevented him from participating, it was obvious how much he loved the team and the good-natured competition. He is a joy to be around, and an inspiration.

Mr. Speaker, we need only look at the walls of the Speaker's Lobby or our committee rooms to appreciate that the House of Representatives will continue on long after we are gone, and there is a certain comfort in the realization that this great institution, in which it is our honor to serve, will endure.

However, I want Mr. EVANS to know how much he has touched me and the other Members of this Congress; to thank him for his friendship, his leadership and for his service to our Nation; and to let him know of our commitment to build on the foundation that he laid down over his 24 years in Congress.

HONORING THOMAS PRITZKER

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. EMANUEL. Mr. Speaker, I rise today to congratulate Thomas Pritzker on being named Chairman of the Art Institute of Chicago, and to honor him on his many years of service to the people of Chicago.

For more than a century, Chicago's Art Institute has served as one of America's premier centers for art education and exhibition, nurturing the abilities of talented young artists, and bringing important works of art to the people of Chicago and the nation.

This great Chicago institution has been home to great American artists such as Grant Wood, Georgia O'Keeffe, and Orson Welles. I have no doubt that under Mr. Pritzker's lead, it will continue to contribute profoundly to the American cultural landscape.

A lifelong Chicagoan, and graduate of The University of Chicago's Schools of Law and Business, Mr. Pritzker has tirelessly supported the city's institutions of higher learning throughout his career.

Mr. Pritzker's dedicated service includes years of philanthropic work with The University of Chicago, where he sits on the Executive Committee of the Board of Trustees, and 18 years as a Board Trustee for the Art Institute.

Mr. Pritzker's important philanthropic gifts have enabled The University of Chicago and The Art Institute of Chicago to consistently operate at a high degree of excellence, and remain at the forefront of education and innovation.

Mr. Speaker, on behalf of the Fifth Congressional District of Illinois, I congratulate Thomas Pritzker on his new title of Board Chairman of The Art Institute of Chicago, and thank him for his many outstanding contributions to the city of Chicago.

A TRIBUTE TO CONGRESSIONAL BLACK CAUCUS LEADERSHIP

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. OWENS. Mr. Speaker, in the past I have often had the delight of saluting my departing colleagues with a tribute in Rap poetry. At this point, however, circumstances have been reversed and I am departing. As I leave, it will be my pleasure to offer some brief portraits in words describing the very able women and men I leave behind.

Today I would like to highlight three outstanding members—EDDIE BERNICE JOHNSON, DONALD PAYNE, and MAXINE WATERS—who have served as President of the Congressional Black Caucus, CBC. The continually improving effectiveness of the CBC is due to the fact that it is able to benefit from the talent and know-how of a pool of very dedicated and competent leaders. They also have unique personalities that can be appreciated with a few light-hearted verses, see three attached RAP poems.

TEXAS MONA LISA

Power and mystery
In generous portions mated;
Fair time she allots
For any issue debated
But her moods are rapidly rotated
Her anger can be swiftly escalated;
Mess with Eddie Bernice's pride
And she'll quickly invite you outside.
Once great goddess of reapportionment,
Her lines drawn in stone would stay,
Through ten years would never fray,
Untouched by rustler Tom DeLay.
Slow sly smile
Magnetic style
Great resource of charm and stealth
But on the side also some Texas wealth.
Struggle focused credo uniquely excited,
Power and mystery tightly united,
Beneath the strict no nonsense fashion
Run deep wells of cosmic compassion.

SPECIAL ENVOY PAYNE

Female agents fondly remember his name—
Tireless globetrotting fearless Don Payne.
Stealth master across the globe
Always on the probe;
Quiet in his command
But tightly holds leader's lives
In the palm of his cool hand.
When Donald says move
Charles Taylor hops into the groove;
Liberia from Jersey must learn
To let rule from Newark
Take its empire turn.
Don travels
With the proud and brave,
Somalia he single-handedly
Sought to save.
Always on the probe

Stealth master across the globe
But at home he still holds power,
Email orders cross Newark every hour;
In each Jersey county
A Payne relative rules,
Most powerful political tools.
Tireless globetrotting crafty Don Payne,
Lady agents fondly remember his name.

MEAN MAXINE

Queen Maxine
Can act hard and mean,
She can fertilize
Any Congressional Record page
With unforgettable rage.
Queen Maxine
Can act hard and mean
When the CIA deals dope
But her career fills with tears
When hungry African kids
Are offered no help and no hope.
Soft candy at the core
But like nails when there's a need;
With California flash
And Southern mother wit
She's a rare dynamite breed.
With Hollywood skills
She makes political thrills,
One foot in the palace of influence
The other planted on the street,
Mistress of coalition magic
She makes power methods meet.
CIA drug selling she labeled a fact
Iran Gate caught traitors in the act:
To save Contras zealots were
Selling weapons and flags
Who could doubt they had
Peddled drugs in little brown bags.
Outrageously right
Maxine makes moderates uptight;
Radicals suspect her elegant style
Cause she got arrested for Haiti
Wearing expensive stuff;
Never mind the clothes,
Just a few weeks later
Clinton told the Haitian dictators
That the CBC had enough.
Soft candy at the core
But like nails when there's a need;
With California flash
And Southern mother wit
She's a rare dynamite breed.

MOURNING THE PASSING OF DEARBORN MAYOR MICHAEL GUIDO

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. CONYERS. Mr. Speaker, today I rise to mourn the passing and commemorate the life of Dearborn, Michigan's Mayor Michael Guido. Mayor Guido, 52, passed away Tuesday night at his home surrounded by his family.

The son of Italian immigrants, Michael Guido got his start in politics in 1978 when he was elected as the youngest Councilman in Dearborn history. Eight years later, in 1986, Councilman Guido followed up this historic first by being the youngest person in Dearborn history to be elected mayor—a capacity in which he served until his last days.

Despite being diagnosed with cancer in February 2006, Mayor Guido remained on the job every day, continuing to work long hours at City Hall and around town, attending public events throughout his outpatient treatment. He even found the strength to serve as 64th President of the United States Conference of Mayors, proving himself many times over as the leader of this bipartisan force for our nation's mayors.

Mayor Guido initiated outstanding improvements to City services, especially in public safety areas, directed the construction or renovation of notable city facilities, and oversaw the completion of dramatic private developments that improved the city's tax base and long term viability.

He was serious about his commitment to exceptional public service. He set high standards, and initiated many programs that were innovative upon their implementation. Among those are curbside recycling and composting, loose leaf collection, and a myriad of public safety initiatives—advanced life support, an emergency warning system, and an automated notification system. As a believer in technology to provide efficient public service, he knew that there is no replacement for personal contact and required employees to not just follow-up with residents, but to solve their problems.

During his tenure as Mayor, he changed the facade of Dearborn by initiating development projects that revived the critical downtown areas, including West Village and West Village Commons in the west end, and Georgetown Commons in the east end. His drive to keep Dearborn attractive for families and young professionals in the face of competition from newer communities culminated in the construction of the Ford Community and Performing Arts Center in 2001.

Other significant projects included the expansion of the Dearborn Ice Skating Center, the construction of a new Police Headquarters, the expansion of the Robert Herndon Dearborn Hills Golf Course, the redesign of Ford Woods Park, improvements to Camp Dearborn and neighborhood pools and parks, and expansion of Esper Branch Library.

While he will be remembered for his accomplishments, he will also be remembered for his humor and ability to relate to people. As an accomplished speaker, he adeptly incorporated jokes into formal presentations, and his conversation was pointed yet entertaining with quips and impersonations.

Mayor Guido's impact upon the City of Dearborn and will continue to be recognized within his community and nationally. During an interview years ago, he said he wanted his epitaph to be "He loved the people of Dearborn, and they loved him . . ." We will all miss his leadership and will remember his legacy in the City of Dearborn.

NUREMBERG TRIALS

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. HOLT. Mr. Speaker, I rise today to reflect on the Nuremberg trials.

After the unspeakable horrors that occurred during the Holocaust, the United States joined the international community in upholding the rule of law and created the International Military Tribunal. Unique in the history of the world, the Nuremberg Tribunal honored our commitment to law and an honest, open trial process.

I was reminded of all of this when I heard a recent NPR story that told the personal experience of Sergeant Clancy Segal, an American Jew, during the trials at Nuremberg. As Mr. Segal recounts, the members of the Nazi party sentenced at Nuremberg underwent a fair and objective trial process. Despite the atrocities they committed, they were afforded due process.

Remembrances such as these emphasize the need for restraint and upholding the rule of law when dealing with war criminals. Regardless of the circumstances, we must exercise the same due process when investigating and prosecuting suspected terrorists and war criminals today.

I ask unanimous consent that the full transcript of this story from National Public Radio be inserted into the CONGRESSIONAL RECORD.

National Public Radio: Morning Edition, October 2, 2006: Sixty years ago, the International Military Tribunal at Nuremberg handed down its first verdict against Nazi war criminals. The Nuremberg trials were structured as a blueprint for something new in international law . . . "crimes against humanity" and "crimes against peace".

The evidence presented was the first account to the world of the Nazis' atrocities and mass murders. Commentator Clancy Segal was a sergeant in the American army of occupation in Germany.

I was the only Jew in my unit. I told no one when I put my .45 automatic in my holster and sneaked away to the International War Crimes trial at Nuremberg.

I wanted to look Herman Goering in the eye and shoot him dead.

Next to Adolf Hitler, Goering was the most powerful man in the Nazi Third Reich. He created the first concentration camps and he was the driving force behind the decrees which stripped Jews of their civil rights.

In the foyer of the court building, Furtherstrasse 22, military police made me check my weapon. At first I was angry. I'd stored up a lot of hatred for the top Nazis like Goering who'd operated the "Final Solution" to kill Jews.

But inside the courtroom I felt something like relief. Suddenly, it was unthinkable to add one more act of violence to the solemn, businesslike presentation of evidence. Evidence which included the shrunken heads of tortured prisoners and lamp shades made of human skin. It moved me beyond tears to a sort of numbness.

The U.S. War Department was determined that Goering and the other Nazis leaders would receive a fair trial. At Nuremberg, there would be no secret evidence or closed proceedings. The Allies believed that would betray their ideal of restoring democracy in Germany.

For three days, I couldn't take my eyes off Goering, who lounged in the dock like a bored Roman emperor. Minus his sashes and medals, he looked slightly naked in a white uniform jacket, even emaciated down from his former huge bulk.

As concentration camp survivors testified, I sometimes caught Goering's cold, unblinking stare, which was full of contempt for the Tribunal and the witnesses.

When the prosecution showed films of piled-up corpses at Auschwitz, Goering kept turning his head away, sometimes in my direction. I'm ashamed to say he stared me down, because I'd never before felt myself in the presence of such unmitigated evil.

I returned to my unit and didn't see Goering testify on cross-examination. Newspaper and radio correspondents like Walter Cronkite told us of his brazen lack of repentance in the witness box.

On Oct. 1, 1946, the Allied judges handed down their sentences. Most of the accused

were found guilty and sentenced to death. Goering swallowed a cyanide pill just hours before he was to mount the gallows.

Today, in the midst of a national debate on how to treat captured terror suspects, my mind flashes back to Room 600 at Furtherstrasse 22. We gave Goering and the other war criminals a chance not only to defend themselves but in some cases, preach hate and violence.

In a ruined Germany, where so many corpses still lay buried in the rubble, and life seemed so very fragile, we found it in ourselves to give the worst of men due process.

JUDGE THOMAS RUSSELL JONES GREAT POINT-OF-LIGHT

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. OWENS. Mr. Speaker, Judge Thomas Russell Jones was appropriately described as an activist, soldier, assemblyman, civil rights lawyer, and judge at a memorial service held in Brooklyn, NY, at the Plymouth Church of the Pilgrims on Tuesday, December 5, 2006. My personal recollections of Judge Jones compel me to describe him as a Great Point-of-Light for all Americans. He was a rare leader with a great gift for inspiring others. He was an extrovert, outgoing, always giving advice freely, always offering encouragement generously. It is not exaggerating to call Tom Jones the Father of the Brooklyn Empowerment Spirit. All aspiring candidates could look up to Tom Jones and his independent record and see a clear standard for their future performance. He broke ground and ran for the Assembly without the endorsement of the powerful Brooklyn political machine. As a result of the bold moves of Tom Jones, civil rights activists for the first time began to examine electoral politics as a possible effective instrument for change. To the picketing and the sit-ins we added voter registration and voter participation. Without Tom Jones and the pioneering Unity Democratic Club there would have been no successful election of Congresswoman Shirley Chisholm. His unblemished record of integrity and wisdom on the bench are outstanding recent memories. Both his judicial career and his political trailblazing are sparkling legacies which justify the citation of Judge Thomas Russell Jones as a Great Point-of-Light for the people of Brooklyn and for all Americans.

TRIBUTE TO THE HONORABLE LANE EVANS, MEMBER OF CONGRESS

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mrs. MALONEY. Madam Speaker, I rise to honor a dear friend and colleague, Congressman LANE EVANS.

I've gotten to know LANE through our work as co-chairs of the Congressional Working Group on Parkinson's Disease. He is a deeply dedicated, kind, and courageous person who I admire and who I will truly miss.

For the past 24 years, Congressman EVANS has been a champion of veterans and Parkinson's issues on Capitol Hill and a great friend to both communities. Earlier this week, I was proud to see a bill passed that included a program, Parkinson's Disease Research, Education and Clinical Centers, PADRECCs, conceived and created by LANE. By working with the former and current VA Administration, Representative EVANS helped to establish these Centers that serve American veterans battling Parkinson's disease.

As a former Marine, Ranking Member on the VA Committee, and person battling Parkinson's disease, Representative LANE EVANS has a strong sense of mission about providing the highest standards of care for both constituencies. Though I am sad to see LANE go, I am encouraged by his commitment to help others and make a difference in people's lives. I hope to continue his legacy while working with the Working Group on Parkinson's Disease to find a cure for this terrible disease.

This body is losing a true patriot, but we can all agree, LANE, that we are proud to know you, proud to have served with you, and are proud to honor you today.

CREDIT REPORTS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. TOWNS. Mr. Speaker, my esteemed colleagues, thank you very much for the opportunity to talk to you about an important issue involving credit reports that will disproportionately harm low-income homebuyers and put most small independent credit reporting agencies out of business within a month. The issue involves the ''joint use'' of credit reports for mortgages.

''Joint use'', ''secondary use'' or ''reissue'' refers to the long-standing practice (recognized in the FCRA, by the Federal Trade Commission, and by the Office of the Comptroller of the Currency), which allows a credit report to be jointly used by multiple entities legitimately engaged with the origination of a mortgage at no additional cost. Joint use of credit report information is essential for the proper functioning of the mortgage banking, brokerage and financing industries and is an important process by which consumers shop for and obtain mortgage credit.

Recently, two of the credit repositories, Equifax and Experian (E&E) have announced new mandatory fees and burdensome requirements for joint use of credit reports starting January 1, 2007. Consumers will now be burdened with paying multiple charges for the one-time access of their credit report in order to originate a single mortgage transaction. Unlike other credit industries, the mortgage credit reporting industry is required to depend on three-file merged credit reports provided by E&E and TransUnion. The proposed new policy will significantly increase mortgage origination costs. Costs for joint use of credit reports potentially increase by 100–300%. E&E will significantly increase their revenues while end users, resellers, and ultimately, consumers will pay the costs. In addition, consumers facing the highest cost increases will be those with credit challenges such as low-income and first-time homebuyers.

Further, about 90 percent of the independent credit reporting agencies will be unable to meet the additional contractual requirements being dictated by E&E. These credit reporting agencies will be unable to access the credit data from E&E and therefore unable to provide the mandatory three-file merged credit reports. They will quickly be forced out of businesses due to these changes.

There is no new legislation, court case, regulatory decision or other external event to justify such action except to increase the revenues of these large companies at the expense of the consumer and to the detriment of small credit reporting companies.

The other repositories, TransUnion and Innovis, have not chosen to drastically alter the joint use procedure. TransUnion is evaluating its position and CBC Companies, the parent of Innovis, is challenging E&E's proposed new guidelines in federal court as a violation of U.S. antitrust laws.

The end-user disclosure (joint use) requirements have been working well since they were enacted as part of the FCRA in 1997. The recent actions by E&E do little to combat the incidence of identity theft and increase data security. The main reason for these policies is to raise revenue and decrease competition. The effort to implement these new reissue/joint use procedures and fees needs to be stopped in order to maintain a level playing field, continue effective competition in the marketplace and provide fair and equitable access to capital for all Americans.

Any efforts by the major credit repositories to change the reissue process should not restrict competition. In order to protect both consumers and small, independent credit reporting agencies, E&E should make the following changes to their proposed reissue policies.

Continue to classify the GSEs, HUD and any other ancillary technology system that is part of the mortgage origination process as joint use, not the new created ''reissue'' or ''secondary use'' classification.

Allow credit-reporting agencies, at the direction of the end-user of record, to reissue to any firm on one of the approved mortgage seller or servicer lists of Fannie Mae, Freddie Mac, or HUD without end-user documentation and site inspections.

Designate a reasonable flat fee for reissue. Note: The changes to the 2003 FACT Act which included a free credit report to every American on an annual basis only required an $.11 per file price increase while E&E's proposed policy changes attempt to justify the charge of $1.05 to $3.50 per file.

Thank you very much for the opportunity to address this important topic. I strongly suggest that E&E reconsider the policies they plan to implement on January 1. Such policies will ultimately hurt the consumer and will have a disproportionate effect on low-income individuals. All Americans deserve the right to pursue the American dream of homeownership and should not be restricted to access to loans because of a policy intended solely to raise revenue for two large credit repositories.

HONORING MARIANNE McGUIRE OF ST. RENE CATHOLIC SCHOOL

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. LIPINSKI. Mr. Speaker, I rise today to honor an outstanding educator in my district, Marianne McGuire, who has been nominated for entry into the 2007 edition of Who's Who Among American Teachers. For over 20 years, Mrs. McGuire has tirelessly served her students and the community at-large.

Currently, Marianne McGuire teaches the fourth and fifth grades at St. Rene Goupil, a Catholic elementary school in Chicago's Clearing neighborhood. A graduate of Quincy University and a veteran teacher, Marianne brings valuable insight and perspective to the classroom. She has the reputation of being an excellent academic instructor who is involved in the lives of her students before and after school—tutoring, assisting with the TerraNova tests, and coordinating the Geography Bee.

Who's Who Among America's Teachers, first published in 1990, gives exceptional students an opportunity to honor the teachers who have positively contributed to their lives and invested in their futures. It is a great privilege to be included in this publication, which is meant to let teachers know that they truly make a difference. Mrs. McGuire's impact has given her a nomination to be included in this publication.

It is my honor today to recognize Marianne McGuire for her achievements as an outstanding teacher. She and countless other educators serve to enhance our overall education system, while impacting one student at a time. I thank Marianne, along with all of our Nation's teachers, for their hard work, dedication, and noble service.

HONORING MONTEREY HIGH SCHOOL AS A NO CHILD LEFT BEHIND BLUE RIBBON AWARD WINNER

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. GORDON. Mr. Speaker, I rise today to honor the students, faculty and staff of Monterey High School for earning a 2006 No Child Left Behind Blue Ribbon Award for academic superiority.

No Child Left Behind Blue Ribbon schools are selected by the U.S. Department of Education as a way to recognize schools across the country that show either high achievement or dramatic improvement.

Monterey High School is a rural high school with only 18 full-time teachers. Forty percent of the school's 373 students come from disadvantaged backgrounds. Despite this, the students consistently rank in the top 10 percent on state achievement tests.

This award is evidence of the hard work put forth by the faculty, students and staff at Monterey High School. I am truly proud of them for their efforts, and I commend them on this achievement.

IN RECOGNITION OF THE 100TH ANNIVERSARY OF SAINT CECILIA SCHOOL

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Ms. VELÁZQUEZ. Mr. Speaker, I rise today on the floor of the U.S. House of Representatives to recognize Saint Cecilia's School, located in Greenpoint, Brooklyn, as it celebrates 100 years of academic excellence. This institution has served the educational needs of countless students in the community, and it is with great pleasure that I recognize its strident efforts on this momentous occasion.

Since its inception, Saint Cecilia's has fostered both the intellectual and spiritual development of local students, providing them with the resources they need for success in the classroom. Through the leadership and dedication of its first rate faculty, this institution boasts a commendable record of academic achievement, thereby enriching the lives of school age children throughout our community.

St. Cecilia's School has a longstanding tradition of promoting a culture of community-oriented citizens that are devoted to the interests of Brooklyn, as well as our Nation. Its comprehensive approach to education has contributed to the ongoing revitalization of our neighborhoods, inspiring a new generation of informed, engaged activists committed to real change and, ultimately, a more prosperous future.

Therefore, Mr. Speaker, please join me in congratulating the students, faculty and parents of Saint Cecilia's School as they celebrate 100 years of educational distinction in the Greenpoint community and extending best wishes for further success in the years that lie ahead.

USNS COMFORT

HON. CYNTHIA McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Ms. McKINNEY. Mr. Speaker, I submit the following for the RECORD:

In an effort to save both U.S. and Iraqi lives by adhering to International War and common decency, I sent the following letter to the Captain of the Navy's top hospital ship. Thomas J. Nagy, Ph.D., Postdoctoral Fellow in Public Health, Johns Hopkins, '77–'79.

NOVEMBER 12, 2006.

TO THE CAPTAIN, USNS COMFORT: Would it not be to the benefit of all if the USS Comfort were to return immediately to the Persian Gulf to provide life-saving health care to Iraqi infants and children who are dying in huge numbers for the lack of medical services and supplies.

Further, does not the Geneva Convention on the Responsibilities of Occupying Powers require that the U.S., as the de facto if not de jure Occupying Power in Iraq furnish life-saving health care to Iraqis?

Finally, please forward my note to the U.S. Navy's Judge Advocate General as well as the captain of the USN HOPE and the captains of any other USN Hospital Ships.

I request a written reply.

Sincerely,

THOMAS J. NAGY.

From: Shimkus, Albert J CAPT
To: Thomas J. Nagy
CC: Herden, Mary J CAPT
Subject: Your Email of 12 November
Date: 14 Nov 2006

DR. NAGY: Thank you for your email note of 12 November.

I will forward your email note as you have requested.

Sincerely,

A. SHIMKUS,
Commanding Officer, Medical Treatment Facility, USNS COMFORT (T–AH 20).

UNBORN CHILD PAIN AWARENESS ACT OF 2006

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise in strong opposition to H.R. 6099.

H.R. 6099 is an extreme intrusion into the relationship between a woman and her doctor. Rather than improving informed consent as the authors claim, this legislation would put into federal law inflammatory rhetoric that has not been proven to be fact.

In 2004 a federal district court found that there is "no consensus of medical opinion" on the issue of fetal pain. According to the Journal of the American Medical Association, it is highly improbable that a fetus could feel pain before the third trimester. In addition, studies conducted by JAMA on this issue showed that additional anesthesia, as is proposed in this bill, poses increased risk to a woman's health.

Yet this bill would force health care providers to tell patients seeking an abortion that there is "substantial evidence" regarding fetal pain and force them to offer anesthesia for the fetus. It would also force the patient to sign a statement to prove she understood that information.

H.R. 6099, if passed, would actually require a medical professional, under federal law, to give women inaccurate and potentially harmful information. This law makes no exceptions for individual patient circumstances or a doctor's judgment of medical necessity. And if a doctor does not provide this information, he or she will face civil sanctions.

Our health care system—the best in the world by many measures—depends on the quality of our health care providers and their ability to communicate with and care for their patients. It is outrageous for Congress to remove the discretion of doctors and instead, rely on politics to make medical decisions. This legislation is based on inaccurate information and political motivation and should be rejected.

I urge my colleagues to join me in opposing H.R. 6099 today and in working to improve health care for all Americans in the 110th Congress.

HONORING ROBERT ''BOB'' LAYHER OF HAYS, KANSAS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. MORAN of Kansas. Mr. Speaker, today I rise to express my admiration of a Kansan's life—a life filled with honor and service to country, community and family. Mr. Robert ''Bob'' Layher of Hays, Kansas, a member of the Greatest Generation, lived life with integrity, passion and enthusiasm.

Like so many young Americans of his generation, Bob put country before self and joined the U.S. military. Bob proudly fought for freedom during World War II, though he began serving prior to the start of the war. He was among those who resigned their U.S. military positions in order to volunteer for a covert operation with the Chinese Air Force before the U.S. entered the war. For his service in China as a member of The Flying Tigers, Bob was awarded the Distinguished Flying Cross.

Bob's dedication to those he served with and his preservation of their memories was unsurpassed. While the history and service of The Flying Tigers is well known in China, few in our country know about the courage and heroism of these men. Bob took a lead role in making certain that his community knew about The Flying Tiger's mission of protecting China's important Burma Road from Japanese attacks.

He was also involved in national education of The Flying Tigers. Appearing in stories and presenting at schools, he shared the history of this brave group of volunteers. During trips back to the area where they were stationed, members of The Flying Tigers found the need for education about their group was much less necessary in China. The idea that Americans would volunteer to defend another country all for the sake of freedom made a great impression on the Chinese.

While Bob was born and raised outside of Kansas, our state was lucky to have him settle here and begin farming after his military service. Bob was born in Dallas, Oregon, on September 3, 1916. He graduated from the University of Colorado where he also met his wife, Marian. In 1941, 4 days before he left for China, he and Marian were secretly married. This was also the same day as his birthday, so this way Bob would never forget their anniversary.

A very involved member of his community, Bob participated in several civic groups. After he moved to Hays in 1952, Bob became a member of the First Presbyterian Church and the Order of the Eastern Star. He was also a member of the ISIS Shrine and the Masonic Lodge in Salina.

Most important to Bob was his family. Over the course of their 65 years of marriage, he and his wife were committed parents and grandparents. Bob's son, R.F. ''Bobby'' Layher Jr., followed in his father's footsteps and served as a pilot in Vietnam. Even though Bobby went on to be a civilian pilot, Bob and his son were still able to fulfill their dream of farming together.

In the many important roles Bob filled in his life, he served out of a sense of duty and not out of selfish ambition. He helped make his community better and his nation safer. I join his many friends and admirers in paying tribute to a great man. My thoughts and prayers go out to Marian and her family during this time of loss.

TRIBUTE TO THE HONORABLE LANE EVANS, MEMBER OF CONGRESS

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. LANGEVIN. Madam Speaker, I rise today to honor the service of my colleague and good friend from Illinois, Mr. LANE EVANS.

LANE has always served his country with honor. From 1969 to 1971, he served in Vietnam in the U.S. Marine Corps, and as they say, ''once a marine, always a marine.'' When he was elected to Congress in 1982, he immediately worked to make sure veterans were given the benefits that they deserve, and he has fought to bring up issues that would go unknown if it was not for his voice. For almost a quarter of a century in Congress, LANE has been a champion of America's veterans, and his passion for this cause will truly be missed.

LANE and I were able to develop a friendship that transcended politics. We worked together on many issues as members of the House Armed Services Committee. Serving others, especially his constituents, was something LANE did exceedingly well. I was able to see this firsthand when I traveled to his district in 2004. I was impressed, but not shocked, by the large amount of people who showed up at an event he hosted, which certainly speaks to how well-liked and respected he is in the 17th district of Illinois. Serving with LANE has truly been an amazing and educational experience.

Unfortunately, LANE has had to battle Parkinson's Disease since 1995. In his fight against this debilitating disease, he has yet again shown courage and perseverance that proved to everyone that he was not going to easily give up. LANE has also been a great partner in the effort to advance stem cell research, which is a matter of great importance to me. This effort will continue so that patients with spinal cord injuries, Parkinson's Disease and other conditions will benefit from this research in the future.

LANE, thank you for making a difference. While you will be missed in the halls of Congress, I wish you the very best in the next chapter of your life.

CONGRATULATING ALABAMA STATE SENATOR HARRY E. ''HAP'' MYERS FOR 12 YEARS OF DISTINGUISHED LEGISLATIVE SERVICE

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise to honor Alabama State Senator Harry E. ''Hap'' Myers for 12 years of leadership and service to the citizens of Mobile and the entire state of Alabama.

Hap is a distinguished member of the Mobile, Alabama, community and a tremendous advocate for all of south Alabama. During his career in the Alabama State Legislature, he worked tirelessly on behalf of south Alabama and served as chairperson of the Senate Agriculture Committee, Local Legislation Number Three, and the Senate Veterans Military Affairs Committee.

Hap has been a professional consulting engineer since 1961 and is presently vice president of Malcolm Pirnie, Inc., a national firm with over 50 offices, where he concentrates on municipal long range planning, finance, and operations.

Mr. Speaker, the faithful service of outstanding Americans like Hap Myers has aided in an immeasurable way to the well being of our community. I would like to offer my congratulations for his many personal and professional achievements. I know his wife, Toni, his 3 children, his grandchildren and other family and many friends join with me in honoring his accomplishments and extending thanks for his many efforts on behalf of the people of Mobile and the entire state of Alabama.

WEYERHAEUSER COMPANY

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Ms. FOXX. Mr. Speaker, I rise today to recognize the Weyehaeuser Corporation and its wonderful community service in assisting in the relief efforts and the rebuilding of the gulf coast that was devastated by Hurricane Katrina in August 2005. This outstanding company has gone well beyond the call of duty, truly exemplifying what community service is.

The Weyehaeuser Company was incorporated in 1900 and is one of the world's largest integrated forest product companies, headquartered in Federal Way, Washington, employing 5,000 people in over 40 locations in 18 countries. In 2005, they recorded sales of $22.6 billion and the company manages more than 2.4 million acres of timberlands in three States. I am pleased to note that of the many locations of the Weyehaeuser Company, two are in the Fifth District of North Carolina.

In recognition of their outstanding community service and dedication to helping those who need it most, Weyehaeuser Corporation has been recognized with the Ron Brown Award. This is the only Presidential award to honor companies ''for their exemplary quality of their relationships with employees and communities,'' This award is presented to companies that have set forth strong initiatives to strengthen their employees and the community that surrounds them as well as promote pioneering business initiatives. The Ron Brown Award was originally established by President Bill Clinton after the late Secretary of Commerce, Ron Brown, who believed that ''businesses do well by doing good.'' In my opinion, there is no better choice for this award than the Weyerhaeuser Company for its outstanding work and dedication to our country.

On December 4, 2006, the chairman, president and CEO of Weyerhaeuser accepted the Ron Brown Award from U.S. Secretary of Commerce Carlos M. Gutierrez at a ceremony

in the White House. Mr. Rogel accepted the award and dedicated it to Weyerhaeuser's Disaster Relief Coordinator Katy Taylor, along with the partners and volunteers who attended the ceremony.

Also recognized in the White House ceremony was the North Carolina Baptist Builders, with whom Weyerhaeuser teamed up in the gulf coast relief efforts. The North Carolina Baptist Builders is a faith-based organization that set forth a large mission to rebuild 600 homes along the coast. To the credit of the Baptist Builders, the Weyerhaeuser Company recognized their ''smoothly-run rebuilding operation to keep projects moving.'' It is this kind of forward thinking and teamwork that makes the Weyerhaeuser Company so deserving of the Ron Brown Award.

I am honored to have such a wonderful and dedicated company that operates in North Carolina in places such as Charlotte, Greensboro, Newton and many other places, including Elkin and Winston-Salem in the Fifth District. Weyerhaeuser Company has been operating in North Carolina since 1957 with approximately 3,090 employees.

The dedication of Weyerhaeuser to the community is astounding and sets a shining example to other businesses about the importance of community service and helping the less fortunate. To date nearly 300 employees and retirees from across the United States and Canada have volunteered more than 42,000 hours of their time and helped rebuild 50 homes. Weyerhaeuser has a truly generous policy of allowing employees 2 to 4 weeks paid leave to help volunteer in the rebuilding efforts of the gulf coast. Not only does it pay its employees while they are volunteering their time, but it also pays their way and their spouses' way down to the coast for the rebuilding efforts. Now, over a year later, Weyehaeuser employees are still participating in reconstruction efforts and have contributed a combined disaster relief to date totaling more than $2.8 million. This is nothing short of extraordinary.

While I can mention some of the accomplishments of the Weyerhaeuser Company's contributions, it is the people Weyerhaeuser has touched and the response it has received that truly shows the difference it has made not just to individuals, families and the community as a whole. As one family wrote in response to the help from Weyerhaeuser volunteers, ''Because of all of your efforts, we are home! Words cannot truly express the outpouring of love we have received. We are eternally grateful to our Weyehaeuser family.'' This shows how the assistance of strangers can truly touch one's spirit, make their life better and give true meaning for caring in the community.

A sign of the high caliber of individuals Weyerhaeuser employs is some of the comments of the volunteers that went to the gulf coast to help. One man noted, ''The days were long and hot, the work was intense, but the rewards were immeasurable. This has been an experience I won't soon forget.'' Another volunteer employee commented, ''This experience was such a blessing. I got so much more from it than I felt I gave.'' Even Weyerhaeuser's retirees participated and one reflected of the occasion to assist those in need saying, ''Having once more the opportunity to work side by side with other Weyerhaeuser employees and retirees made me realize anew why I enjoyed working for Weyerhaeuser so much. It's all about the people and the values the company ascribes to. Thanks again!''

Testimonies such as these speak volumes of Weyerhaeuser Company and its dedication to its employees and others. It goes beyond helping those who are under its employment, but it extends a helping hand to strangers to make the world a better place to live. I am pleased that Weyerhaeuser has had a long standing tradition in North Carolina and especially in the Fifth District. It is without question an admirable and outstanding company that lives up to the highest meaning of community service.

Weyerhaeuser's dedication to helping others is immeasurable and I cannot thank the company enough for the work they have done and continue to do. It is truly deserving of such a prestigious award, and I am delighted to see Weyerhaeuser's efforts have been recognized by the administration. The work of its employees and retirees shows that there is no one more deserving.

TRIBUTE TO JOE EDMISTON

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to my close friend of more than 30 years, Joe Edmiston, recipient of he Environmentalist of the Year Award at the Coalition on the Environment and Jewish Life of Southern California (COEJLSC)'s 7th Annual Awards Reception. COEJLSC could not have chosen a more deserving person to receive this honor.

Joe is a remarkable man whose accomplishments are legion and whose passion and commitment to the environment is unparalleled. He has literally and figuratively transformed the landscape of southern California for the better. He has also, through his infectious enthusiasm, his innovative work with professional associations and his formal academic teachings, helped change the way we think about environmental protection and stewardship. He epitomizes COEJLSC's guiding principles and his work is perfectly aligned with COEJLSC's mission and purpose.

I first met Joe in December 1976 when he interviewed for the position of executive director of the Santa Monica Mountains Comprehensive Planning Commission, a State agency created by legislation that I authored as majority leader of the California State Assembly. He was then a young member of the conservation staff of the Sierra Club, but his ideas impressed everyone and ultimately Governor Edmund G. Brown, Jr., appointed him to the commission directorship.

His decision to implement the plan through the establishment of the Santa Monica Mountains Conservancy was an insightful—but risky—decision to forego traditional approaches. I carried the legislation, and it was a tough fight. Looking back, it was pretty audacious of Joe to think that market forces could be used to control the market, and more audacious still to think that his band of planners and ecologists would be the ones to do it. But the gamble paid off. Now, 26 years later the Santa Monica Mountains Conservancy has expended close to $550,000,000 and acquired and preserved more than 55,000 acres of park and open space lands—much of it accessible and regularly enjoyed by the urban population that surrounds it.

Serving his fifth Governor, Joe is close to being the longest serving State agency head in modern history. For a plodding bureaucrat that would not be so remarkable an accomplishment, but he is anything but that. Dynamic, sometimes controversial, he has taken the Santa Monica Mountains Conservancy to the forefront of conservation leadership in California and the Nation by his innovative approaches and his impact has even been felt in other countries that are attempting to model his success.

I am proud to know Joe. He and his wife Pepper are great friends and they have a wonderful family. I ask my colleagues to join me in honoring Joe Edmiston and congratulating him for receiving COEJLSC's Environmentalist of the Year Award.

Daily Digest

HIGHLIGHTS

House and Senate agreed to H. Con. Res. 503, Sine Die Adjournment Resolution.

House and Senate agreed to the Conference Report to accompany H.R. 5682, Henry J. Hyde U.S./India Nuclear Cooperation Promotion Act.

The House agreed to H.J. Res. 102, making further continuing appropriations for the fiscal year 2007.

The House agreed to H. Con. Res. 503, providing for the sine die adjournment of the second session of the One Hundred Ninth Congress.

Senate

Chamber Action

Routine Proceedings, pages S11551–S11645

Measures Introduced: Seventeen bills and five resolutions were introduced, as follows: S. 1, 2, 26, 28, 30, 4111–4122, and S. Res. 630–634.

(See next issue.)

Measures Reported: Special Report entitled ''Report on the Activities of the Committee on Armed Services, United States Senate 105th Congress First and Second Sessions''. (S. Rept. No. 109–367).

S. 1129, to provide authorizations of appropriations for certain development banks, with an amendment in the nature of a substitute. **(See next issue.)**

Measures Passed:

Leaking Underground Storage Tank Trust Fund: Committee on Finance was discharged from further consideration of H.R. 6131, to permit certain expenditures from the Leaking Underground Storage Tank Trust Fund, and the bill was then passed, clearing the measure for the President. **Page S11552**

United States Tsunami Warning and Education Act: Senate passed H.R. 1674, to authorize and strengthen the tsunami detection, forecast, warning, and mitigation program of the National Oceanic and Atmospheric Administration, to be carried out by the National Weather Service, clearing the measure for the President. **Page S11552**

Henry Clay Desk: Senate agreed to S. Res. 630, allowing the senior Senator from Kentucky to reassign the Henry Clay desk when serving as party leader. **Pages S11553–55**

Reducing Hunger: Committee on Agriculture, Forestry and Nutrition was discharged from further consideration of S. 1120, to reduce hunger in the United States, and the bill was then passed, after agreeing to the following amendments proposed thereto: **Pages S11568–70**

DeWine (for Durbin) Amendment No. 5233, to make perfecting amendments. **Pages S11568–69**

DeWine (for Durbin) Amendment No. 5234, to amend the title. **Page S11569**

Gynecologic Cancer Education and Awareness Act/Johanna's Law: Senate passed H.R. 1245, to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers, after agreeing to the following amendment proposed thereto:

Pages S11570–72

Enzi Amendment No. 5235, in the nature of a substitute. **Page S11572**

Confronting Methamphetamine Use: Senate passed S. 4113, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine.

Pages S11572–73

Lifespan Respite Care Act: Senate passed H.R. 3248, to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, clearing the measure for the President.

Pages S11573–78

Office of National Drug Control Policy Reauthorization Act: Senate passed H.R. 6344, to reauthorize the Office of National Drug Control Policy Act, clearing the measure for the President.

Pages S11592–93

Federal Deposit Insurance Act: Senate passed H.R. 6345, to make a conforming amendment to the Federal Deposit Insurance Act with respect to examinations of certain insured depository institutions, clearing the measure for the President.

Page S11593

Controlled Substances Act Amendment: Senate passed S. 4115, to amend the Controlled Substances Act to increase the effectiveness of physician assistance for drug treatment. **Page S11606**

Geneva Distinctive Emblems Protection Act: Senate passed H.R. 6338, to amend title 18, United States Code, to prevent and repress the misuse of the Red Crescent distinctive emblem and the Third Protocol (Red Crystal) distinctive emblem, and the bill was then passed, clearing the measure for the President. **Pages S11606–07**

Telephone Records and Privacy Protection Act: Committee on the Judiciary was discharged from further consideration of H.R. 4709, to amend title 18, United States Code, to strengthen protections for law enforcement officers and the public by providing criminal penalties for the fraudulent acquisition or unauthorized disclosure of phone records, and the bill was then passed, clearing the measure for the President. **Page S11640**

Multiple Employer Pension Plans: Senate passed S. 4121, to provide optional funding rules for employers in applicable multiple employer pension plans. **Pages S11643–44**

Continuing Appropriations: Senate passed H.J. Res. 102, making further continuing appropriations for the fiscal year 2007, clearing the measure for the President. **Page S11645**

National Institutes of Health Reform Act: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of H.R. 6164, to amend title IV of the Public Health Service Act to revise and extend the authorities of the National Institutes of Health, and the bill was then passed, after agreeing to the following amendment proposed thereto: **(See next issue.)**

Frist (for Enzi) Amendment No. 5238, in the nature of a substitute. **(See next issue.)**

Methamphetamine Remediation Research Act: Committee on Environment and Public Works was discharged from further consideration of H.R. 798, to provide for a research program for remediation of closed methamphetamine production laboratories, and the bill was then passed, after agreeing to the following amendment proposed thereto:

(See next issue.)

Frist (for Smith) Amendment No. 5239, in the nature of a substitute. **(See next issue.)**

Postal Law Reform: Senate passed H.R. 6407, to reform the postal laws of the United States, clearing the measure for the President. **(See next issue.)**

Sine Die Adjournment: Senate agreed to H. Con. Res. 503, providing for the sine die adjournment of the second session of the One Hundred Ninth Congress. **(See next issue.)**

Peacekeeping in Darfur: Senate agreed to S. Res. 631, urging the Government of Sudan and the international community to implement the agreement for a peacekeeping force under the command and control of the United Nations in Darfur. **(See next issue.)**

Transatlantic Market: Senate agreed to S. Res. 632, urging the United States and the European Union to work together to strengthen the transatlantic market. **(See next issue.)**

Holocaust: Senate agreed to S. Res. 633, condemning the conference denying that the Holocaust occurred to be held by the Government of Iran and its President, Mahmoud Ahmadinejad.

(See next issue.)

Honoring Tom Carr: Senate agreed to S. Res. 634, honoring the life and achievements of Tom Carr, Congressional Research Service Analyst, and extending the condolences of the Senate on the occasion of his death. **(See next issue.)**

Printing Authority: Senate agreed to H. Con. Res. 495, authorizing the printing as a House document of "United States House of Representatives, The Committee on Ways and Means: A History, 1789–2006". **(See next issue.)**

Department of State Authorities Act: Senate passed H.R. 6060, to authorize certain activities by the Department of State, clearing the measure for the President. **(See next issue.)**

Physicians for Underserved Areas Act: Senate passed H.R. 4997, to extend for 2 years the authority to grant waivers of the foreign country residence requirement with respect to certain international medical graduates, clearing the measure for the President. **(See next issue.)**

Belarus Democracy Reauthorization Act: Senate passed H.R. 5948, to reauthorize the Belarus Democracy Act of 2004 clearing the measure for the President. **(See next issue.)**

110th Congress: Senate agreed to H.J. Res. 101, appointing the day for the convening of the first session of the One Hundred Tenth Congress. **(See next issue.)**

Enrollment Correction: Senate agreed to H. Con. Res. 502, to correct the enrollment of the bill H.R. 5682. **(See next issue.)**

Preserving Crime Victims' Restitution Act: Committee on Judiciary was discharged from further consideration of S. 4055, to address the effect of the death of a defendant in Federal criminal proceedings, and the bill was then passed. **(See next issue.)**

Railroad Retirement Disability Earnings Act: Committee on Health, Education, Labor and Pensions was discharged from further consideration of H.R. 5483, to increase the disability earning limitation under the Railroad Retirement Act and to index the amount of allowable earnings consistent with increases in the substantial gainful activity dollar amount under the Social Security Act, and the bill was then passed, clearing the measure for the President. **(See next issue.)**

Modern-Day Slavery: Committee on Foreign Relations was discharged from further consideration of S. Res. 549, expressing the sense of the Senate regarding modern-day slavery, and the resolution was then agreed to. **(See next issue.)**

Tax Exempt Charitable Payments: Senate passed H.R. 6429, to treat payments by charitable organizations with respect to certain firefighters as exempt payments, clearing the measure for the President. **(See next issue.)**

Tax Extenders—House Message: By 79 yeas to 9 nays (Vote No. 279), Senate agreed to the motion to concur in the House amendment to the Senate amendment to H.R. 6111, to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending. **(See next issue.)**

Subsequently, Senate concurred in the House title amendment to the bill. **(See next issue.)**

During consideration of this measure today, the Senate also took the following action:

By 67 yeas to 21 nays (Vote No. 277), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to waive certain sections of the Congressional Budget Act of 1974, with respect to the motion to concur in the House amendment to the Senate amendment to the bill. **(See next issue.)**

By 78 yeas to 10 nays (Vote No. 278), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to concur in the House amendment to the Senate amendment to the bill. **(See next issue.)**

The pending motion to concur in the House amendment to the Senate amendment to the bill, with Frist Amendment No. 5236 (to the House amendment to the Senate amendment to the bill), to establish the enactment date, was withdrawn. **(See next issue.)**

Frist Amendment No. 5237 (to Amendment No. 5236), to change the enactment date, fellwhen Frist Amendment No. 5236 (see above) was withdrawn. **(See next issue.)**

VA Major Medical Facility Authorization—House Message: Senate concurred in the House amendments to S. 3421, to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007, clearing the measure for the President. **(See next issue.)**

Henry J. Hyde United States and India Nuclear Cooperation Promotion Act—Conference Report: Senate agreed to the conference report to accompany H.R. 5682, to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India, clearing the measure for the President. **(See next issue.)**

Prematurity Research Expansion and Education for Mothers Who Deliver Infants Early Act—House Message: Senate concurred in the House amendment to S. 707, to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity, clearing the measure for the President. **(See next issue.)**

United States—Mexico Transboundary Aquifer Assessment Act House Message: Senate concurred in the House amendment to S. 214, to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling Program for priority transboundary aquifers, clearing the measure for the President. **(See next issue.)**

Rural Water Supply Act—House Message: Senate concurred in the House amendments to S. 895, to authorize the Secretary of the Interior to carry out a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable

water supply to rural residents, clearing the measure for the President. **(See next issue.)**

Democratic Republic of the Congo Relief, Security, and Democracy Promotion Act—House Message: Senate concurred in the House amendment to S. 2125, to promote relief, security, and democracy in the Democratic Republic of the Congo, clearing the measure for the President. **(See next issue.)**

Marine Debris Research, Prevention, and Reduction Act—House Message: Senate concurred in the House amendment to S. 362, to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, clearing the measure for the President. **(See next issue.)**

U.S. Safe Web Act—House Message: Senate concurred in the House amendment to S. 1608, to enhance Federal Trade Commission enforcement against illegal spam, spyware, and cross-border fraud and deception, clearing the measure for the President. **(See next issue.)**

Retiring Senators Tributes—Agreement: A unanimous-consent agreement was reached providing that tributes to retiring Senators be printed as a Senate document and that Senators be permitted to submit tributes until December 27, 2006. **(See next issue.)**

Committee Authority—Agreement: A unanimous-consent agreement was reached providing that on December 22, 2006, between the hours of 10 a.m. and 11 a.m., committees have the authority to file special reports on nonlegislative matters only. This does not include executive matters such as treaties or nominations nor does it allow committees to report bills or resolutions after the sine die adjournment. **(See next issue.)**

Authorizing Leadership To Make Appointments—Agreement: A unanimous-consent agreement was reached providing that notwithstanding the adjournment of the Senate, the President of the Senate, the President Pro Tempore, and the Majority and Minority Leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate. **(See next issue.)**

Signing Authority—Agreement: A unanimous-consent agreement was reached providing that during this adjournment of the Senate, the Majority Leader, and Senators Allen and Cochran, be authorized to sign duly enrolled bills or joint resolutions. **(See next issue.)**

Appointment:

MINER Act Technical Study Panel: The Chair, on behalf of the Democratic Leaders of the Senate and House of Representatives, pursuant to Public Law 109–236, appointed Dr. James L. Weeks, of Maryland, to serve as a member of the MINER Act Technical Study Panel. **(See next issue.)**

Nominations Confirmed: Senate confirmed the following nominations:

By unanimous vote of 91 yeas (Vote No. EX. 276), Kent A. Jordan, of Delaware, to be United States Circuit Judge for the Third Circuit.

Pages S11557–68

During consideration of this measure today, Senate also took the following action:

By a unanimous vote of 93 yeas (Vote No. 275), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the nomination.

Page S11557

Jeffrey Robert Brown, of Illinois, to be a Member of Social Security Advisory Board for a term expiring September 30, 2008.

D. Michael Rappoport, of Arizona, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring October 6, 2008.

Michael Butler, of Tennessee, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring October 6, 2008.

A.J. Eggenberger, of Montana, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2008.

Molly A. O'Neill, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

Harry R. Hoglander, of Massachusetts, to be a Member of the National Mediation Board for a term expiring July 1, 2008.

John M.R. Kneuer, of New Jersey, to be Assistant Secretary of Commerce for Communications and Information.

Paul Cherecwich, Jr., of Utah, to be a Member of the Internal Revenue Service Oversight Board for a term expiring September 14, 2009.

Deborah L. Wince-Smith, of Virginia, to be a Member of the Internal Revenue Service Oversight Board for a term expiring September 14, 2010.

Eric Solomon, of New Jersey, to be an Assistant Secretary of the Treasury.

John Peyton, of Florida, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2011. (Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Blanca E. Enriquez, of Texas, to be a Member of the National Institute for Literacy Advisory Board for a term expiring January 30, 2009. (Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Stephen M. Prescott, of Oklahoma, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring April 15, 2011.

Anne Jeannette Udall, of North Carolina, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation four a term expiring October 6, 2010.

Dianne I. Moss, of Colorado, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2007. (Prior to this action, Committee on Foreign Relations was discharged from further consideration.)

Leland A. Strom, of Illinois, to be a Member of the Farm Credit Administration Board, Farm Credit Administration, for a term expiring October 13, 2012. (Prior to this action, Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration.)

James H. Bilbray, of Nevada, to be a Governor of the United States Postal Service for a term expiring December 8, 2015.

Gerald Walpin, of New York, to be Inspector General, Corporation for National and Community Service. (Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration, then was referred to the Committee on Homeland Security and Governmental Affairs, which discharged from further consideration.)

Rachel K. Paulose, of Minnesota, to be United States Attorney for the District of Minnesota for the term of four years. (Prior to this action, Committee on the Judiciary was discharged from further consideration.)

Sara Alicia Tucker, of California, to be Under Secretary of Education. (Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Jovita Carranza, of Illinois, to be Deputy Administrator of the Small Business Administration.

Mark J. Warshawsky, of Maryland, to be a Member of the Social Security Advisory Board for a term expiring September 30, 2012.

Dana K. Bilyeu, of Nevada, to be a Member of the Social Security Advisory Board for a term expiring September 30, 2010.

Steven R. Chealander, of Texas, to be a Member of the National Transportation Safety Board for the remainder of the term expiring December 31, 2007. (Prior to this action, Committee on Commerce, Science, and Transportation was discharged from further consideration.)

Phillip L. Swagel, of Maryland, to be an Assistant Secretary of the Treasury.

Thurgood Marshall, Jr., of Virginia, to be a Governor of the United States Postal Service for a term expiring December 8, 2011.

Michele A. Davis, of Virginia, to be an Assistant Secretary of the Treasury.

Eric D. Eberhard, of Washington, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring October 6, 2012.

Dana Gioia, of California, to be Chairperson of the National Endowment for the Arts for a term of four years. (Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Robert F. Hoyt, of Maryland, to be General Counsel for the Department of the Treasury.

Mark Everett Keenum, of Mississippi, to be Under Secretary of Agriculture for Farm and Foreign Agricultural Services. (Prior to this action, Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration.)

Mark Everett Keenum, of Mississippi, to be a Member of the Board of Directors of the Commodity Credit Corporation. (Prior to this action, Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration.)

Charles E. Dorkey III, of New York, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation. (Prior to this action, Committee on Commerce, Science, and Transportation was discharged from further consideration.)

Diane Humetewa, of Arizona, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring August 25, 2012.

Anthony W. Ryan, of Massachusetts, to be an Assistant Secretary of the Treasury.

Leon R. Sequeira, of Virginia, to be an Assistant Secretary of Labor.

William Francis Price, Jr., of California, to be a Member of the National Council on the Arts for a term expiring September 3, 2012. (Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Robert Bretley Lott, of Louisiana, to be a Member of the National Council on the Arts for a term expiring September 3, 2012. (Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Charlotte P. Kessler, of Ohio, to be a Member of the National Council on the Arts for a term expiring September 3, 2012. (Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Joan Israelite, of Missouri, to be a Member of the National Council on the Arts for a term expiring September 3, 2012. (Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Benjamin Donenberg, of California, to be a Member of the National Council on the Arts for a term expiring September 3, 2012. (Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Foreststorn Hamilton, of New York, to be a Member of the National Council on the Arts for a term expiring September 3, 2012. (Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Terry L. Cline, of Oklahoma, to be Administrator of the Substance Abuse and Mental Health Services Administration, Department of Health and Human Services. (Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Paul A. Schneider, of Maryland, to be Under Secretary for Management, Department of Homeland Security. (Prior to this action, Committee on Homeland Security and Governmental Affairs was discharged from further consideration.)

Dan Gregory Blair, of the District of Columbia, to be a Commissioner of the Postal Rate Commission for a term expiring October 14, 2012.

Elizabeth Dougherty, of the District of Columbia, to be a Member of the National Mediation Board for a term expiring July 1, 2007. (Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Elizabeth Dougherty, of the District of Columbia, to be a Member of the National Mediation Board for a term expiring July 1, 2010. (Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Margaret A. Ryan, of Virginia, to be a Judge of the United States Court of Appeals for the Armed Forces for the term of fifteen years to expire on the date prescribed by law.

Scott Wallace Stucky, of Maryland, to be a Judge of the United States Court of Appeals for the Armed Forces for the term of fifteen years to expire on the date prescribed by law.

Jill E. Sommers, of Kansas, to be a Commissioner of the Commodity Futures Trading Commission for the remainder of the term expiring April 13, 2009.

33 Army nominations in the rank of general.

1 Coast Guard nomination in the rank of admiral. (Prior to this action, Committee on Commerce, Science, and Transportation was discharged from further consideration.)

1 Navy nomination in the rank of admiral.

Routine lists in the Foreign Service. (Prior to this action, Committee on Foreign Relations was discharged from further consideration.)

Routine lists in the Coast Guard. (Prior to this action, Committee on Commerce, Science, and Transportation was discharged from further consideration.)

Routine lists in the National Oceanic and Atmospheric Administration. (Prior to this action, Committee on Commerce, Science, and Transportation was discharged from further consideration.)

Routine lists in the Public Health Service. (Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Routine lists in the Air Force, Army, Foreign Service, Navy, Public Health Service. **(See next issue.)**

Nominations Returned to the President: The following nominations were returned to the President failing of confirmation under Senate Rule XXXI at the time of the adjournment of the 109th Congress:

Peter Cyril Wyche Flory, of Virginia, to be an Assistant Secretary of Defense.

Andrew J. McKenna, Jr., of Illinois, to be a Member of the National Security Education Board for a term of four years.

Anthony Joseph Principi, of California, to be a Member of the Defense Base Closure and Realignment Commission.

Julie L. Myers, of Kansas, to be an Assistant Secretary of Homeland Security.

C. Boyden Gray, of the District of Columbia, to be Representative of the United States of America to the European Union, with the rank and status of Ambassador.

Philip S. Gutierrez, of California, to be United States District Judge for the Central District of California.

Valerie L. Baker, of California, to be United States District Judge for the Central District of California.

Richard E. Hoagland, of the District of Columbia, to be Ambassador to the Republic of Armenia.

Charles Darwin Snelling, of Pennsylvania, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority for a term expiring May 30, 2012.

Marcia Morales Howard, of Florida, to be United States District Judge for the Middle District of Florida.

Leslie Southwick, of Mississippi, to be United States District Judge for the Southern District of Mississippi.

Gregory Kent Frizzell, of Oklahoma, to be United States District Judge for the Northern District of Oklahoma.

Lisa Godbey Wood, of Georgia, to be United States District Judge for the Southern District of Georgia.

Thomas E. Harvey, of New York, to be an Assistant Secretary of Veterans Affairs (Congressional Affairs).

John Alfred Jarvey, of Iowa, to be United States District Judge for the Southern District of Iowa.

Robert James Jonker, of Michigan, to be United States District Judge for the Western District of Michigan.

Paul Lewis Maloney, of Michigan, to be United States District Judge for the Western District of Michigan.

Janet T. Neff, of Michigan, to be United States District Judge for the Western District of Michigan.

Sara Elizabeth Lioi, of Ohio, to be United States District Judge for the Northern District of Ohio.

Nora Barry Fischer, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

Roger Romulus Martella, Jr., of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

Carl Joseph Artman, of Colorado, to be an Assistant Secretary of the Interior.

Lawrence Joseph O'Neill, of California, to be United States District Judge for the Eastern District of California.

John Ray Correll, of Indiana, to be Director of the Office of Surface Mining Reclamation and Enforcement.

Dean A. Pinkert, of Virginia, to be a Member of the United States International Trade Commission for the term expiring December 16, 2015.

Irving A. Williamson, of New York, to be a Member of the United States International Trade Commission for the term expiring June 16, 2014.

Adolfo A. Franco, of Virginia, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2008.

D. Jeffrey Hirschberg, of Wisconsin, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2007.

Roger W. Wallace, of Texas, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring October 6, 2008.

Michael Dolan, of New York, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2009.

Dennis P. Walsh, of Maryland, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 2009.

Ellen R. Sauerbrey, of Maryland, to be an Assistant Secretary of State (Population, Refugees, and Migration).

Ron Silver, of New York, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2009.

Judy Van Rest, of Virginia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2009.

Mark McKinnon, of Texas, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2006.

Mark McKinnon, of Texas, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2009.

Allen C. Guelzo, of Pennsylvania, to be a Member of the National Council on the Humanities for the remainder of the term expiring January 26, 2006.

Thomas R. Saving, of Texas, to be a Member of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund for a term of four years.

Daniel Meron, of Maryland, to be General Counsel of the Department of Health and Human Services.

Ellen R. Sauerbrey, of Maryland, to be an Assistant Secretary of State (Population, Refugees, and Migration) (Recess Appointment).

C. Boyden Gray, of the District of Columbia, to be Representative of the United States of America to the European Union, with the rank and status of Ambassador (Recess Appointment).

Catherine G. West, of the District of Columbia, to be a Member of the Internal Revenue Service Oversight Board for a term expiring September 14, 2008.

Dawn M. Liberi, of New York, to be Ambassador to the Islamic Republic of Mauritania.

James R. Kunder, of Virginia, to be Deputy Administrator of the United States Agency for International Development.

Margrethe Lundsager, of Virginia, to be United States Executive Director of the International Monetary Fund for a term of 2 years.

Peter E. Cianchette, of Maine, to be a Member of the Internal Revenue Service Oversight Board for a term expiring September 14, 2010.

Daniel Meron, of Maryland, to be General Counsel of the Department of Health and Human Services (Recess Appointment).

Michael J. Astrue, of Massachusetts, to be Commissioner of Social Security for a term expiring January 19, 2013.

Cecil E. Floyd, of South Carolina, to be an Alternate Representative of the United States of America to the Sixty-first Session of the General Assembly of the United Nations.

Hector E. Morales, of Texas, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2010.

Curtis S. Chin, of New York, to be United States Director of the Asian Development Bank, with the rank of Ambassador.

John Robert Bolton, of Maryland, to be the Representative of the United States of America to the United Nations, with the rank and status of Ambassador, and the Representative of the United States of America in the Security Council of the United Nations.

John Robert Bolton, of Maryland, to be Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations.

Andrew G. Biggs, of New York, to be Deputy Commissioner of Social Security for the remainder of the term expiring January 19, 2007.

Andrew G. Biggs, of New York, to be Deputy Commissioner of Social Security for a term expiring January 19, 2013.

Katherine Almquist, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

Kenneth Y. Tomlinson, of Virginia, to be Chairman of the Broadcasting Board of Governors. (Reappointment).

Kenneth Y. Tomlinson, of Virginia, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2007.

Jeffrey Robert Brown, of Illinois, to be a Member of the Social Security Advisory Board for a term expiring September 30, 2008 (Recess Appointment).

Stanley Davis Phillips, of North Carolina, to be Ambassador to the Republic of Estonia.

Sam Fox, of Missouri, to be Ambassador to Belgium.

David B. Rivkin, Jr., of Virginia, to be a Member of the Foreign Claims Settlement Commission of the United States for the term expiring September 30, 2007.

Earl Cruz Aguigui, of Guam, to be United States Marshal for the District of Guam and concurrently United States Marshal for the District of the Northern Mariana Islands for the term of four years.

Alice S. Fisher, of Virginia, to be an Assistant Attorney General.

Carol A. Dalton, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Peter N. Kirsanow, of Ohio, to be a Member of the National Labor Relations Board for the term of five years expiring August 27, 2008.

David M. Mason, of Virginia, to be a Member of the Federal Election Commission for a term expiring April 30, 2009.

Steven T. Walther, of Nevada, to be a Member of the Federal Election Commission for a term expiring April 30, 2009.

Hans von Spakovsky, of Georgia, to be a Member of the Federal Election Commission for a term expiring April 30, 2011.

Robert D. Lenhard, of Maryland, to be a Member of the Federal Election Commission for a term expiring April 30, 2011.

Vanessa Lynne Bryant, of Connecticut, to be United States District Judge for the District of Connecticut.

S. Pamela Gray, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Dennis P. Walsh, of Maryland, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 2009 (Recess Appointment).

Peter N. Kirsanow, of Ohio, to be a Member of the National Labor Relations Board for the term of five years expiring August 27, 2008 (Recess Appointment).

Stephen Goldsmith, of Indiana, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2010 (Recess Appointment).

Julie L. Myers, of Kansas, to be an Assistant Secretary of Homeland Security (Recess Appointment).

Benjamin A. Powell, of Florida, to be General Counsel of the Office of the Director of National Intelligence (Recess Appointment).

Steven T. Walther, of Nevada, to be a Member of the Federal Election Commission for a term expiring April 30, 2009 (Recess Appointment).

Hans Von Spakovsky, of Georgia, to be a Member of the Federal Election Commission for a term expiring April 30, 2011 (Recess Appointment).

Robert D. Lenhard, of Maryland, to be a Member of the Federal Election Commission for a term expiring April 30, 2011 (Recess Appointment).

John A. Rizzo, of the District of Columbia, to be General Counsel of the Central Intelligence Agency.

Wayne Cartwright Beyer, of New Hampshire, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 1, 2010.

Phillip J. Green, of Illinois, to be United States Attorney for the Southern District of Illinois for the term of four years.

Debra Ann Livingston, of New York, to be United States Circuit Judge for the Second Circuit.

Raymond M. Kethledge, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

Stephen Joseph Murphy III, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

John Preston Bailey, of West Virginia, to be United States District Judge for the Northern District of West Virginia.

Mary O. Donohue, of New York, to be United States District Judge for the Northern District of New York.

Patricia Mathes, of Texas, to be a Member of the National Institute for Literacy Advisory Board for a term expiring November 25, 2007.

Alex A. Beehler, of Maryland, to be Inspector General, Environmental Protection Agency.

Michael F. Duffy, of the District of Columbia, to be a Member of the Federal Mine Safety and Health Review Commission for a term of 6 years expiring August 30, 2012.

Susan E. Dudley, of Virginia, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget.

Roslynn Renee Mauskopf, of New York, to be United States District Judge for the Eastern District of New York.

Liam O'Grady, of Virginia, to be United States District Judge for the Eastern District of Virginia.

Dabney Langhorne Friedrich, of Virginia, to be a Member of the United States Sentencing Commission for the remainder of the term expiring October 31, 2009.

James F.X. O'Gara, of Pennsylvania, to be Deputy Director for Supply Reduction, Office of National Drug Control Policy.

William W. Mercer, of Montana, to be Associate Attorney General.

Halil Suleyman Ozerden, of Mississippi, to be United States District Judge for the Southern District of Mississippi.

Otis D. Wright II, of California, to be United States District Judge for the Central District of California.

George H. Wu, of California, to be United States District Judge for the Central District of California.

Michael F. Duffy, of the District of Columbia, to be a Member of the Federal Mine Safety and Health Review Commission for a term of 6 years expiring August 30, 2012 (Recess Appointment).

Thomas M. Hardiman, of Pennsylvania, to be United States Circuit Judge for the Third Circuit.

David Palmer, of Maryland, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2011.

Caroline C. Hunter, of Florida, to be a Member of the Election Assistance Commission for a term expiring December 12, 2009.

William Lindsay Osteen, Jr., of North Carolina, to be United States District Judge for the Middle District of North Carolina.

Martin Karl Reidinger, of North Carolina, to be United States District Judge for the Western District of North Carolina.

Thomas D. Schroeder, of North Carolina, to be United States District Judge for the Middle District of North Carolina.

John Roberts Hackman, of Virginia, to be United States Marshal for the Eastern District of Virginia for the term of 4 years.

Richard Allan Hill, of Montana, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring June 10, 2009.

Ellen C. Williams, of Kentucky, to be a Governor of the United States Postal Service for a term expiring December 8, 2016.

Peter W. Tredick, of California, to be a Member of the National Mediation Board for a term expiring July 1, 2009.

Paul De Camp, of Virginia, to be Administrator of the Wage and Hour Division, Department of Labor.

Arlene Holen, of the District of Columbia, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2010.

Richard Stickler, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and Health (Recess Appointment).

Steven G. Bradbury, of Maryland, to be an Assistant Attorney General.

Terrence W. Boyle, of North Carolina, to be United States Circuit Judge for the Fourth Circuit.

William James Haynes II, of Virginia, to be United States Circuit Judge for the Fourth Circuit.

Peter D. Keisler, of Maryland, to be United States Circuit Judge for the District of Columbia Circuit.

William Gerry Myers III, of Idaho, to be United States Circuit Judge for the Ninth Circuit.

James Edward Rogan, of California, to be United States District Judge for the Central District of California.

Benjamin Hale Settle, of Washington, to be United States District Judge for the Western District of Washington.

Norman Randy Smith, of Idaho, to be United States Circuit Judge for the Ninth Circuit.

Michael Brunson Wallace, of Mississippi, to be United States Circuit Judge for the Fifth Circuit.

Gregory B. Cade, of Virginia, to be Administrator of the United States Fire Administration, Department of Homeland Security.

Heidi M. Pasichow, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Frederick J. Kapala, of Illinois, to be United States District Judge for the Northern District of Illinois.

Beryl A. Howell, of the District of Columbia, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2011.

John R. Steer, of Virginia, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2011.

Rosemary E. Rodriguez, of Colorado, to be a Member of the Election Assistance Commission for the remainder of the term expiring December 12, 2007.

Thomas Alvin Farr, of North Carolina, to be United States District Judge for the Eastern District of North Carolina.

Floyd Hall, of New Jersey, to be a Member of the Reform Board (Amtrak) for a term of five years.

Enrique J. Sosa, of Florida, to be a Member of the Reform Board (Amtrak) for a term of five years.

Peter Cyril Wyche Flory, of Virginia, to be an Assistant Secretary of Defense (Recess Appointment).

Eric S. Edelman, of Virginia, to be Under Secretary of Defense for Policy (Recess Appointment).

John L. Palmer, of New York, to be a Member of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund for a term of four years.

John L. Palmer, of New York, to be a Member of the Board of Trustees of the Federal Hospital Insurance Trust Fund for a term of four years.

Thomas R. Saving, of Texas, to be a Member of the Board of Trustees of the Federal Hospital Insurance Trust Fund for a term of four years.

John L. Palmer, of New York, to be a Member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for a term of four years.

Thomas R. Saving, of Texas, to be a Member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for a term of four years.

Dorrance Smith, of Virginia, to be an Assistant Secretary of Defense (Recess Appointment).

Gordon England, of Texas, to be Deputy Secretary of Defense (Recess Appointment).

Enrique J. Sosa, of Florida, to be a Member of the Reform Board (Amtrak) for a term of five years (Recess Appointment).

Floyd Hall, of New Jersey, to be a Member of the Reform Board (Amtrak) for a term of five years (Recess Appointment).

Anita K. Blair, of Virginia, to be an Assistant Secretary of the Air Force.

Warren Bell, of California, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2012.

William Ludwig Wehrum, Jr., of Tennessee, to be an Assistant Administrator of the Environmental Protection Agency.

Jane C. Luxton, of Virginia, to be Assistant Secretary of Commerce for Oceans and Atmosphere.

Kevin M. Kolevar, of Michigan, to be an Assistant Secretary of Energy (Electricity Delivery and Energy Reliability).

Scott A. Keller, of Florida, to be an Assistant Secretary of Housing and Urban Development.

Michael W. Tankersley, of Texas, to be Inspector General, Export-Import Bank.

Michael J. Burns, of New Mexico, to be Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.

1 Air Force nomination in the rank of general.

8 Army nominations in the rank of general.

2 Marine Corps nominations in the rank of general.

Routine lists in the Army, Foreign Service, Marine Corps, Navy. **(See next issue.)**

Messages From the House: **(See next issue.)**

Measures Placed on Calendar: **Pages S11552**

Enrolled Bills Presented: **(See next issue.)**

Executive Communications: **(See next issue.)**

Additional Cosponsors: **(See next issue.)**

Statements on Introduced Bills/Resolutions: **(See next issue.)**

Additional Statements: **(See next issue.)**

Amendments Submitted: **(See next issue.)**

Privileges of the Floor: **(See next issue.)**

Record Votes: Five record votes were taken today. (Total—279) **Pages S1157, S11568, (continued next issue)**

Adjournment: Senate met at 9:30 a.m., and, in accordance with the provisions of H. Con. Res. 503, adjourned sine die at 4:39 a.m. on Saturday, December 9, 2006, until 12 noon, on Thursday, January 4, 2007.

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 17 public bills, H.R. 6420–6436; and 9 resolutions, H. Con. Res. 502–504; and H. Res. 1104, 1106–1110 were introduced. **(See next issue.)**

Additional Cosponsors: **(See next issue.)**

Reports Filed: Reports were filed today as follows:

Report of the Joint Economic Committee on the 2006 Economic Report of the President (H. Rept. 109–726);

H. Res. 1105, providing for consideration of H.J. Res. 102, making further continuing appropriations for the fiscal year 2007 (H. Rept. 109–727);

H.R. 3509, to establish a statute of repose for durable goods used in a trade or business, with an amendment (H. Rept. 109–728, Pt. 1);

H.R. 4941, to reform the science and technology programs and activities of the Department of Homeland Security, with an amendment (H. Rept. 109–729, Pt. 1);

H.R. 2567, to amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain a bittering agent so as to render it unpalatable, with an amendment (H. Rept. 109–730, Pt. 1); and

H.R. 5316, to reestablish the Federal Emergency Management Agency as a cabinet-level independent establishment in the executive branch that is responsible for the Nation's preparedness for, response to, recovery from, and mitigation against disasters, with amendments (H. Rept. 109–519, Pt. 1).

(See next issue.)

The House agreed to H. Res. 1102, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules and providing for consideration of motions to suspend the rules, by voice vote after ordering the previous question. **Pages H8983–84**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Authorizing major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007: S. 3421, amended, to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007; **Pages H8995–H9019**

Agreed to amend the title so as to read: "To amend title 38, United States Code, to repeal certain limitations on attorney representation of claimants for benefits under laws administered by the Secretary of Veterans Affairs, to expand eligibility for the Survivors' and Dependents' Educational Assistance Program, to otherwise improve veterans' benefits, memorial affairs, and healthcare programs, to enhance information security programs of the Department of Veterans Affairs, and for other purposes.". **Page H9019**

Iraq Reconstruction Accountability Act of 2006: S. 4046, to extend oversight and accountability related to United States reconstruction funds and efforts in Iraq by extending the termination date of the Office of the Special Inspector General for Iraq Reconstruction—clearing the measure for the President; **Pages H9019–22**

Reforming the postal laws of the United States: H.R. 6407, amended, to reform the postal laws of the United States; **Pages H9160–82**

Designating the facility of the United States Postal Service located at 103 East Thompson Street in Thomaston, Georgia, as the "Sergeant First Class Robert Lee 'Bobby' Hollar, Jr. Post Office Building": S. 4050, to designate the facility of the United States Postal Service located at 103 East Thompson Street in Thomaston, Georgia, as the "Sergeant First Class Robert Lee 'Bobby' Hollar, Jr. Post Office Building"—clearing the measure for the President; **Pages H9182–83**

Department of State Authorities Act of 2006: H.R. 6060, amended, to authorize certain activities by the Department of State; **Pages H9188–91**

Amending the Farm Security and Rural Investment Act of 2002 to extend a suspension of limitation on the period for which certain borrowers are eligible for guaranteed assistance: S. 4093, to amend the Farm Security and Rural Investment Act

of 2002 to extend a suspension of limitation on the period for which certain borrowers are eligible for guaranteed assistance—clearing the measure for the President; **Pages H9191–92**

COMPETE Act of 2006: S. 3821, to authorize certain athletes to be admitted temporarily into the United States to compete or perform in an athletic league, competition, or performance—clearing the measure for the President; **Pages H9197–98**

Amending title 18, United States Code, to prohibit disruptions of funerals of members or former members of the Armed Forces: S. 4042, to amend title 18, United States Code, to prohibit disruptions of funerals of members or former members of the Armed Forces—clearing the measure for the President; **Pages H9198–99**

Increasing the amount in certain funding agreements relating to patents and nonprofit organizations to be used for scientific research, development, and education, and for other purposes: H.R. 6427, to increase the amount in certain funding agreements relating to patents and nonprofit organizations to be used for scientific research, development, and education; **Pages H9199–H9200**

Authorizing the Secretary of the Army to carry out certain elements of the project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana: H.R. 6428, authorizing the Secretary of the Army to carry out certain elements of the project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana; **(See next issue.)**

Dam Safety Act of 2006: S. 2735, to amend the National Dam Safety Program Act to reauthorize the national dam safety program; **(See next issue.)**

Providing for correction to the enrollment of H.R. 5946: S. Con. Res. 123, to provide for correction to the enrollment of H.R. 5946; **(See next issue.)**

Stevens-Inouye International Fisheries Monitoring and Compliance Legacy Act of 2006: Concur in Senate amendments to H.R. 5946, to amend the Magnuson-Stevens Fishery Conservation and Management Act to authorize activities to promote improved monitoring and compliance for high seas fisheries, or fisheries governed by international fishery management agreements—clearing the measure for the President; **(See next issue.)**

National Institutes of Health Reform Act of 2006: Concur in Senate amendment to H.R. 6164, to amend title IV of the Public Health Service Act to revise and extend the authorities of the National Institutes of Health—clearing the measure for the President; **(See next issue.)**

Preventing Harassment through Outbound Number Enforcement Act: H.R. 5304, to amend title 18, United States Code, to provide a penalty for caller ID spoofing; and **Pages H9192–97, (continued next issue)**

Dietary Supplement and Nonprescription Drug Consumer Protection Act: S. 3546, to amend the Federal Food, Drug, and Cosmetic Act with respect to serious adverse event reporting for dietary supplements and nonprescription drugs, by a (2/3) yea-and-nay vote of 203 yeas to 98 nays, Roll No. 543. **(See next issue.)**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Wednesday, December 6th:

Expressing support for Lebanon's democratic institutions and condemning the recent terrorist assassination of Lebanese parliamentarian and Industry Minister Pierre Amin Gemayel: H. Res. 1088, amended, to express support for Lebanon's democratic institutions and condemning the recent terrorist assassination of Lebanese parliamentarian and Industry Minister Pierre Amine Gemayel, by a (2/3) yea-and-nay vote of 408 yeas with none voting "nay", Roll No. 531; **Pages H9023–24**

Agreed to amend the title so as to read: "Expressing support for Lebanon's democratic institutions and condemning the recent terrorist assassination of Lebanese parliamentarian and Industry Minister Pierre Amine Gemayel.". **Page H9024**

Condemning in the strongest terms Iran's commitment to hold an international Holocaust denial conference on December 11–12, 2006: H. Res. 1091, amended, to condemn in the strongest terms Iran's commitment to hold an international Holocaust denial conference on December 11–12, 2006, by a (2/3) yea and nay vote of 408 yeas with none voting "nay", Roll No. 534; and **Page H9080**

The House agreed to suspend the rules and pass the following measure which were debated on Thursday, December 7th:

Belarus Democracy Reauthorization Act of 2006: H.R. 5948, amended, to reauthorize the Belarus Democracy Act of 2004, by a (2/3) yea-and-nay vote of 397 yeas to 2 nays, Roll No. 537. **Pages H9088–89**

Suspensions—Failed: The House failed to agree to suspend the rules and pass the following measures:

Amending title 10, United States Code, to require the Secretary of Defense to submit to Congress an annual report and to provide notice to the public on congressional initiatives in funds authorized or made available to the Department of Defense: H.R. 6375, to amend title 10, United

States Code, to require the Secretary of Defense to submit to Congress an annual report and to provide notice to the public on congressional initiatives in funds authorized or made available to the Department of Defense, by less than a (2/3) yea-and-nay vote of 70 yeas to 330 nays, Roll No. 535. The measure was debated on yesterday, Thursday, December 7th; **Page H9081**

Providing for a severance payment for employees of leadership offices and committees of the House of Representatives who are separated from employment solely and directly as a result of a change in the party holding the majority of the membership of the House: H. Res. 1104, to provide for a severance payment for employees of leadership offices and committees of the House of representatives who are separated from employment solely and directly as a result of a change in the party holding the majority of the membership of the House and **Pages H9183–88**

Amending the Energy Policy Act of 2005 to require the Federal Trade Commission to submit to Congress a report on gasoline prices by November 8, 2005: H.R. 3718, to amend the Energy Policy Act of 2005 to require the Federal Trade Commission to submit to Congress a report on gasoline prices by November 8, 2005, by a (2/3) yea-and-nay vote of 191 yeas to 108 nays, Roll No. 542.

Pages H9200–02, (continued next issue)

Amending the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending: The House agreed to concur in Senate amendment with an amendment to H.R. 6111, to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending by a recorded vote of 367 ayes to 45 noes, Roll No. 533. **Pages H9024–79**

Rejected the Markey motion to amend the House amendment to the Senate amendment to H.R. 6111 by a recorded vote of 205 ayes to 207 noes, Roll No. 532. **Pages H9070–79**

H. Res. 1099, the rule relating to consideration of the bill was agreed to by a yea-and-nay vote of 247 yeas to 164 nays, Roll No. 530, after ordering the previous question. **Pages H8989–95, H9022–23**

Member Resignation: Read a letter from Representative Gibbons, wherein he resigned as Representative of the 2nd Congressional District of Nevada, effective at the close of business on December 31, 2006. **Pages H9081–82**

Modifying temporarily certain rates of duty and make other technical amendments to the trade laws, to extend certain trade preference programs: The House passed H.R. 6406, to modify temporarily certain rates of duty and make other technical amendments to the trade laws, to extend certain trade preference programs by a recorded vote of 212 ayes to 184 noes, Roll No. 539.

Pages H9089–H9146

Pursuant to section 2 of H. Res. 1100, the text of H.R. 6406, as passed by the House, will be appended to the engrossment of the House amendment to the Senate amendment to H.R. 6111. **Page H9146**

H. Res. 1100, the rule providing for consideration of the bill was agreed to by a yea-and-nay vote of 207 yeas to 193 nays, Roll No. 536, after ordering the previous question. **Pages H9083–88**

Henry J. Hyde United States and India Nuclear Cooperation Promotion Act of 2006—Conference Report: The House agreed to the conference report on H.R. 5682, to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India, by a yea-and-nay vote of 330 yeas to 59 nays, Roll No. 541.

Pages H9146–55, H9159–60

H. Res. 1101, the rule providing for consideration of the conference report was agreed to by a yea-and-nay vote of 355 yeas to 55 nays, Roll No. 529, after ordering the previous question. **Pages H8984–88, H9022**

Making further continuing appropriations for the fiscal year 2007: The House agreed to H.J. Res. 102, making further continuing appropriations for the fiscal year 2007, by a yea and nay vote of 370 yeas to 20 nays, Roll No. 540. **Pages H9155–59**

Agreed to H. Res. 1102, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules and providing for consideration of motions to suspend the rules, by voice vote after ordering the previous question. **Pages H8983–84**

H. Res. 1105, the rule providing for consideration of the bill was agreed to by voice vote after ordering the previous question. **Pages H9082–83**

Printing of the Rules and Manual of the House for the 110th Congress: The House agreed to H. Res. 1107, providing for the printing of a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Ninth Congress. **Page H9158**

Adjournment Resolution: The House agreed to H. Con. Res. 503, providing for the sine die adjournment of the One Hundred Ninth Congress, Second Session. **Pages H9158–59**

Agreed to H. Con. Res. 502, to correct the enrollment of H.R. 5682. **Page H9160**

City of Yuma Improvement Act: The House agreed by unanimous consent to S. 1529, to provide for the conveyance of certain Federal land in the city of Yuma, Arizona—clearing the measure for the President. **(See next issue.)**

Eugene Land Conveyance Act: The House agreed by unanimous consent to S. 2150, to direct the Secretary of the Interior to convey certain Bureau of Land Management Land to the City of Eugene, Oregon—clearing the measure for the President. **(See next issue.)**

Water Infrastructure Revitalization Act: The House agreed by unanimous consent to concur in Senate amendment to S. 482, to provide environmental assistance to non-Federal interests in the State of North Dakota—clearing the measure for the President. **(See next issue.)**

Holloman Air Force Base Land Exchange Act: The House agreed by unanimous consent to concur in Senate amendment to H.R. 486, to provide for a land exchange involving private land and Bureau of Land Management land in the vicinity of Holloman Air Force Base, New Mexico, for the purpose of removing private land from the required safety zone surrounding munitions storage bunkers at Holloman Air Force Base—clearing the measure for the President. **(See next issue.)**

Blunt Reservoir and Pierre Canal Land Conveyance Act of 2006: The House agreed by unanimous consent to S. 2205, to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission—clearing the measure for the President. **(See next issue.)**

Water Resources Research Act Amendments of 2006: The House agreed by unanimous consent to concur in Senate amendment to H.R. 4588, to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under the Water Resources Research Act of 1984—clearing the measure for the President. **(See next issue.)**

National Historic Preservation Act Amendments Act of 2006: The House agreed by unanimous consent to S. 1378, to amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation—clearing the measure for the President. **(See next issue.)**

Musconetcong Wild and Scenic Rivers Act: The House agreed by unanimous consent to S. 1096, to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, after discharging from committee—clearing the measure for the President. **(See next issue.)**

Supporting the goals and ideals of "National Teen Dating Violence Awareness and Prevention Week": The House agreed by unanimous consent to H. Res. 1086, to support the goals and ideals of "National Teen Dating Violence Awareness and Prevention Week", after discharging from committee. **(See next issue.)**

Congratulating the Detroit Shock for winning the 2006 Women's National Basketball Association Championship: The House agreed by unanimous consent to H. Con. Res. 488, to congratulate the Detroit Shock for winning the 2006 Women's National Basketball Association Championship, after discharging from committee. **(See next issue.)**

Call Home Act of 2006: The House agreed by unanimous consent to S. 2653, to direct the Federal Communications Commission to make efforts to reduce telephone rates for Armed Forces personnel deployed overseas—clearing the measure for the President. **(See next issue.)**

Supporting the goals and ideals of a National Epidermolysis Bullosa Awareness Week to raise public awareness and understanding of the disease and to foster understanding of the impact of the disease on patients and their families: The House agreed by unanimous consent to H. Res. 335, to support the goals and ideals of a National Epidermolysis Bullosa Awareness Week to raise public awareness and understanding of the disease and to foster understanding of the impact of the disease on patients and their families, after discharging from committee. **(See next issue.)**

Gynecologic Cancer Education and Awareness Act of 2005: The House agreed by unanimous consent to concur in Senate amendment to H.R. 1245, to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers—clearing the measure for the President. **(See next issue.)**

To clarify certain land use in Jefferson County, Colorado: The House agreed by unanimous consent to S. 4092, to clarify certain land use in Jefferson County, Colorado—clearing the measure for the President. **(See next issue.)**

National Breast and Cervical Cancer Early Detection Program Reauthorization Act of 2006: The House agreed by unanimous consent to H.R. 5472, amended, to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers; **(See next issue.)**

Suspending temporarily the duty on floor coverings and mats of vulcanized rubber: The House agreed by unanimous consent to S. 3678, to suspend temporarily the duty on floor coverings and mats of vulcanized rubber—clearing the measure for the President. **(See next issue.)**

Undertaking Spam, Spyware, and Fraud Enforcement with Enforcers beyond Borders Act of 2005: The House agreed by unanimous consent to S. 1608, amended, to enhance Federal Trade Commission enforcement against illegal spam, spyware, and cross-border fraud and deception, after discharging from committee—clearing the measure for the President. **(See next issue.)**

Ryan White HIV/AIDS Treatment Modernization Act of 2006: The House agreed by unanimous consent to concur in Senate amendment to H.R. 6143, to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS—clearing the measure for the President. **(See next issue.)**

Christopher Reeve Paralysis Act: The House agreed by unanimous consent to H.R. 1554, amended, to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities. **(See next issue.)**

Treating payments by charitable organizations with respect to certain firefighters as exempt payments: The House agreed by unanimous consent to H.R. 6429, to treat payments by charitable organizations with respect to certain firefighters as exempt payments, after discharging from committee. **(See next issue.)**

Providing authority for restoration of the Social Security Trust Funds from the effects of a clerical error: The House agreed by unanimous consent to S. 4091, to provide authority for restoration of the Social Security Trust Funds from the effects of a clerical error—clearing the measure for the President. **(See next issue.)**

District of Columbia and United States Territories Circulating Quarter Dollar Program Act: The House agreed by unanimous consent to H.R. 3885, amended, to provide for a circulating quarter dollar coin program to honor the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, after discharging from committee. **(See next issue.)**

Commemorating the one-year anniversary of the November 9, 2005, terrorist attacks in Amman, Jordan: The House agreed by unanimous consent to H. Res. 1095, to commemorate the one-year anniversary of the November 9, 2005, terrorist attacks in Amman, Jordan, after discharging from committee. **(See next issue.)**

PREEMIE Act: House agreed by unanimous consent to S. 707, amended, to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity. **(See next issue.)**

Committee to Notify the President: The House agreed to H. Res. 1108, providing for a committee of two Members to be appointed by the House to join a similar committee appointed by the Senate, to wait upon the President to inform him that the two Houses have completed their business of the session and are ready to adjourn, unless the President has some other communication to make to them. Subsequently the Speaker appointed Majority Leader Boehner and Minority Leader Pelosi to the committee. **(See next issue.)**

Extension of Remarks: Agreed that the Chairman and ranking minority Member of each standing committee and each subcommittee be permitted to extend their remarks in the Record, up to and including the Record's last publication, and to include a summary of the work of that committee or subcommittee. **(See next issue.)**

Also agreed that Members may have until publication of the last edition of the Congressional Record authorized for the Second Session of the One Hundred Ninth Congress by the Joint Committee on Printing to revise and extend their remarks and to include brief, related extraneous material on any matter occurring before the adjournment of the Second Session Sine Die. **(See next issue.)**

Agreed by unanimous consent that when the House adjourns on this legislative day pursuant to this order, it adjourn to meet on the third Constitutional day thereafter, unless it sooner has received a message from the Senate transmitting it's concurrence in House Resolution 503, in which case the House shall stand adjourned pursuant to that concurrent resolution. **(See next issue.)**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, December 13, 2006. **(See next issue.)**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Boehner, Wolf and Tom Davis of Virginia to act as Speaker pro tempore to sign enrolled bills and joint resolutions through the remainder of the second session of the One Hundred Ninth Congress.

(See next issue.)

United States-China Economic and Security Review Commission—Appointment: The Chair appointed Mr. Larry Wortzel, Williamsburg, Virginia, for a term that expires December 31, 2008.

(See next issue.)

Coordinating Council on Juvenile Justice Delinquency Prevention—Appointment: The Chair appointed Ms. Adele I. Grubbs of Georgia, for a one-year term. In addition the reappointment of Ms. Pamela F. Rodriguez of Illinois to a three-year term.

(See next issue.)

Board of Visitors to the United States Air Force Academy—Appointment: The Chair announced the appointment of Mr. Terry Isaacson on the part of the House to the Board of Visitors to the United States Air Force Academy. **(See next issue.)**

Senate Message: Messages received from the Senate today appear on pages H8988–89, H9080, H9089, H9146, H9197, (continued next issue).

Senate Referrals: S. Con. Res. 123, S. 997, S. 1120, S. 1529, S. 1535, S. 1548, S. 2003, S. 2054, S. 2150, S. 2205, S. 2373, S. 2403, S. 4113, S. 2141 and S. 4115 were held at the desk. **(See next issue.)**

Quorum Calls—Votes: One Quorum Call (Roll No. 538) and ten yea-and-nay votes and three recorded votes developed during the proceedings of today and appear on pages H9022, H9022–23, H9023–24, H9078–79, H9079, H9080, H9081, H9087–88, H9088, H9140, H9145–46, H9159, H9159–60, (continued next issue).

Adjournment: The House met at 9:30 a.m. Friday, December 8th and at 3:17 a.m. Saturday, December 9th, pursuant to the previous order of the House of today, the House stands adjourned until 4 p.m. on Wednesday, December 13, 2006, unless it sooner has received a message from the Senate transmitting its concurrence in H. Con. Res. 503, in which case the House shall stand adjourned sine die pursuant to that concurrent resolution.

Committee Meetings

CONTINUING FURTHER APPROPRIATIONS FISCAL YEAR 2007

Committee on Rules: Granted, by voice vote, a closed rule providing 1 hour of debate in the House on H.J. Res. 102, Making continuing further appropriations for fiscal year 2007, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the joint resolution. The rule provides one motion to recommit the joint resolution. Testimony was heard from Chairman Lewis.

Next Meeting of the SENATE

12 Noon, Thursday, January 4

Senate Chamber

Program for Thursday: Senate will convene the first session of the 110th Congress

Next Meeting of the HOUSE OF REPRESENTATIVES

Thursday, January 4

House Chamber

Program for Thursday: To be announced.

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(Senate and House proceedings for today will be continued in the next issue of the Record.)

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